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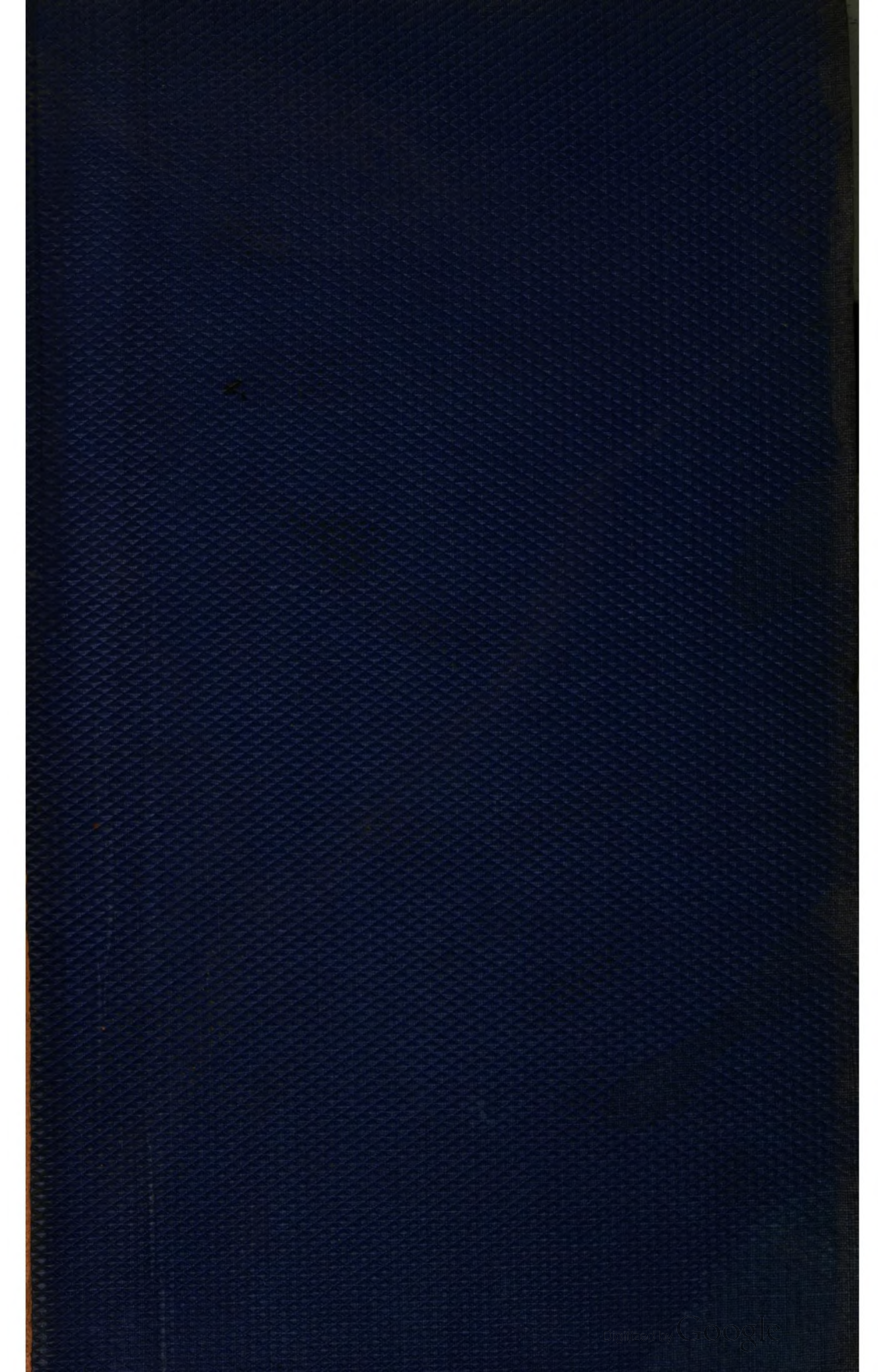
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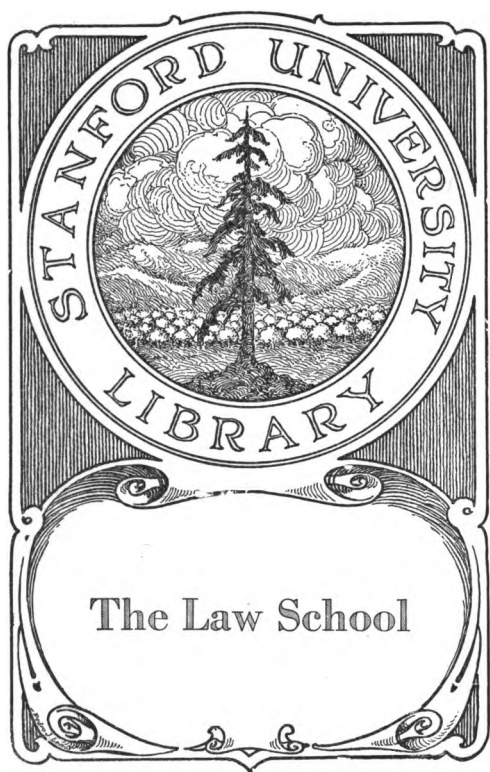
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G. A. Colquhoun

*Attorney, Notary.*

Rapid City, Man.

JNN

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1896



**ACTS**  
—OF THE—  
**LEGISLATURE**  
—OF THE—  
**PROVINCE OF MANITOBA,**

PASSED IN THE SESSION HELD IN THE  
FIFTY-NINTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

—BEING THE—  
**First Session of the Ninth Legislature,**

BEGUN AND HOLDEN AT WINNIPEG, ON THE SIXTH DAY OF  
FEBRUARY, AND CLOSED BY PROROGATION ON THE  
SIXTEENTH DAY OF APRIL, 1896.



**THE HONORABLE JAMES COLEBROOKE PATTERSON,**  
LIEUTENANT-GOVERNOR.

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**VOL. 1.--PUBLIC ACTS.**

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WINNIPEG, MAN.  
DAVID PHILIP, QUEEN'S PRINTER.

A. D. 1896.

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The Stovel Co., Printers.

**L13937**

**FEB 16 1998**



## 59 VICTORIA.

### CHAPTER 1.

An Act to amend "The Bills of Sale Act."

[Assented to 19th March, 1896.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

1. Section 4 of Chapter 10 of the Revised Statutes of Manitoba, as enacted by Section 2 of Chapter 1 of 57 Victoria, is hereby amended by adding after the word "debt" at the end of sub-section (1) of said Section 4, the following :—"Provided, however, that no such further or substituted security shall be valid after the thirty-first day of December, A.D. 1897."

Certain mortgages on growing crops not to be renewed beyond 31st Dec. 1897.

2. This Act shall come into force on the day it is assented to.

Commencement of Act.

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### CHAPTER 2.

An Act respecting the Profession of Civil Engineers.

[Assented to 19th March, 1896.]

Whereas, it is deemed expedient for the better protection of the public interests and for the general advancement of Mechanical Science, and more particularly for promoting the acquisition of that species of knowledge which has special reference to the profession of a Civil Engineer, and to encourage investigation in connection with all branches of knowledge connected with the profession, and in order to enable persons requiring profes-

Preamble.



sional aid in any work, to which such knowledge of Civil Engineering is applicable or necessary, to distinguish between qualified and unqualified Civil Engineers ;

Therefore,

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :

Short title.

**1.** This Act may be cited as "The Manitoba Civil Engineers Act."

Incorporation  
of the Canadian  
Society of Civil  
Engineers.

**2.** The Civil Engineers of Canada, heretofore incorporated by an Act of the Parliament of Canada, being Chapter 124 of the Acts passed at the Session held in the 50th and 51st years of Her Majesty's reign, under the name and style of "The Canadian Society of Civil Engineers," shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of real and personal property for the purposes of its constitution, and to sue and to be sued in the manner usual with such corporations.

Members.

**3.** All persons who, on the day this Act comes into force, are members of the said existing Canadian Society of Civil Engineers, and all persons who shall hereafter be admitted as members of the Society hereby incorporated, and who shall be registered under the provisions of this Act, shall be members of the said Society.

Council.

**4.** There shall be a Council of Management of the said Society, to be appointed in the manner provided for in this Act, and hereinafter referred to as "the Council."

How  
composed.

**5.** The Council shall be composed of twenty-one persons, who shall, in the first instance, and as a Provisional Council, consist of the present Council of the existing Canadian Society of Civil Engineers, if British subjects and residing within the Dominion of Canada.

First meeting  
of Council.

**6.** The members of the said Provisional Council shall meet in the City of Winnipeg for the purpose of organization, within two months after the passing of this Act, at such time and place as may be set forth in a notice in the *Manitoba Gazette*, and at such meeting any five members of the Council shall form a quorum.

First general  
meeting.

**7.** A general meeting of the members of the Society shall be called by the Provisional Council, on or before

the First day of February next after the passing of this Act, for the election of a permanent Council. The time and place for such meeting shall be determined by the Provisional Council, and at least two weeks' notice in writing shall be given by the Secretary to each member of the Society, and such meeting and any subsequent meeting of the Society may be held without this Province, but in the Dominion of Canada, as the Council may from time to time determine.

**8.** All members of the permanent Council shall be elected by ballot, each member having one vote, and the member or members obtaining the greatest number of votes shall be declared elected. Permanent Council.

**9.** The members of the Council so elected shall hold office for the following terms respectively : Terms of office.

The seven names who have received the greatest number of votes shall hold office for the term of three years, the next seven names for the term of two years, and the third and last seven names for the term of one year.

**10.** No person shall be eligible for election to the Council, or qualified to fill any vacancy therein, or to vote for any member thereof at the first election, unless at such time he shall be a duly qualified member of the said existing Canadian Society of Civil Engineers ; and no person shall be eligible for election to the Council, or qualified to fill any vacancy therein, or to vote for any member thereof at any subsequent election unless duly qualified under the provisions of this Act and the By-laws of the Society. Qualifications.

**11.** In the case of the death or resignation of any members of the Council, the other members of the Council shall have power to fill all vacancies so caused until the time of the holding of the next annual meeting. Vacancy.

**12.** Meetings of the Society and Council shall be held at such times and places as may be fixed by by-law of the Society, and at all meetings of the Society or Council the President or Chairman for the time being shall have a casting vote. Meetings.

**13.** The Council shall have full power to enact laws for : Power to enact By-laws, etc.

(a.) The qualification, election and registration of members of the Society.

(b.) The appointment and removal and defining the functions and duties of all officers and servants of the Society, and their remuneration, the time and place of holding meetings of the Society and Council, and the notice to be given therefor.

(c.) The calling of all meetings, the quorum and the procedure in all things at such meetings.

(d.) The suspension, expulsion, disciplining and re-admission of members.

(e.) The appointment of examiners for the purpose of ascertaining and reporting upon the qualifications of persons who shall present themselves for admission and enrolment as students at any examination.

(f.) The admission and regulation of students, the periods and conditions of study, and all matters relating to the discipline and honor of the profession.

(g.) The regulating and fixing of the admission and annual fees payable by members and students. And to deal with and regulate all other matters necessary for the government of the Society, and to effectually carry out its objects, and generally to administer the affairs of the Society.

Repeal of By-laws, etc.

**14.** The Council may from time to time repeal, amend and re-enact the by-laws of the Society; but every such by-law and every repeal, amendment and re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Society, duly called for that purpose, shall only have force until the next Annual Meeting of the Society, and in default of confirmation thereat, shall, at and from that time only, cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmation at a General Meeting of the Society.

Registrar.

**15.** The Council shall cause to be kept by an officer appointed by it, to be called the Registrar, a book or register, in which shall be entered the name of every person registered as a member of the Society, according to the provisions of this Act, and those persons only whose names are inscribed in the book or register above mentioned shall be deemed to be members of the Society, and such book or register shall at all reasonable times be open for inspection by any member of the Society or by any other person.

**16.** If the Registrar shall wilfully make or cause to be made any falsification in any matter relating to the register, or shall refuse to allow the register to be inspected, he shall be deemed to be guilty of a misdemeanour, and shall on conviction thereof be imprisoned for any term not exceeding twelve months. Penalty for false registration.

**17.** On and after the 1st day of July 1896, no person shall be entitled within this Province to take or use the name and title of "Civil Engineer" or any abbreviation thereof, either alone or in combination with any other word or words, or any name, title or description implying that he is a member of the said Society of Civil Engineers, or act as Engineer in laying out, advising on, constructing or superintending the construction of any railway or public work, or any work upon which public money is expended, the cost of which shall exceed \$500, unless such person is a member of the Society hereby incorporated and registered as such under the provisions of this Act, or unless he is a duly qualified Civil Engineer, and entitled to use the title of Civil Engineer by virtue of some statute in force in this Province, or by the authority of some institution of learning in this Province having authority to confer degrees in Civil Engineering, or unless he has been practising as a Civil Engineer in this Province at the time of the passing of this Act, or unless he is a member in good standing of some institution of Civil Engineers in Great Britain and Ireland, or of some National Society of Civil Engineers of good standing in any foreign country. Right to title of Civil Engineer.

**18.** This Act shall be deemed a Public Act.

Act deemed public Act.

### CHAPTER 3.

An Act to amend "The County Courts Act."

[Assented to 19th March, 1896.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

**1.** Chapter 33 of the Revised Statutes of Manitoba, being "The County Courts Act," is hereby amended by adding thereto the following sections immediately after Section 178: R. S. M. c. 33 amended by adding sections 178 (a) and 178 (b).

Sale of bank  
and other  
shares under  
writs of  
execution.

178 (a). All shares and dividends of stockholders in any incorporated Bank or other Company in Manitoba having transferable joint stock may be attached, seized and sold under writs of execution issued out of any County Court in like manner as other personal property may be sold under any such execution.

Application of  
Executions  
Act to seizure  
and sale of  
such shares.

178 (b). All of the powers and provisions made and contained in "The Executions Act," Chapter 53 of said Revised Statutes of Manitoba and amendments, shall extend to and govern seizures and sales of such stock under this Act, and County Court Bailiffs shall have and exercise the same powers under this Act as Sheriffs have and may exercise under the said, "The Executions Act."

#### APPEALS.

Sections 315 to  
329, both inclu-  
sive, repealed  
and sections  
substituted.

2. Sections 315 to 329, both inclusive, of said Chapter 33 of the Revised Statutes of Manitoba, are hereby repealed, and the following sections are substituted therefor:

Appeal to  
Judge of Court  
of Queen's  
Bench where  
amount involv-  
ed does not  
exceed \$50

**315.** In case any person directly affected by any order, decision or judgment of a Judge or verdict of a jury, in any action, suit, matter or proceeding in any County Court in which the amount in question, or in which the value of the goods in question, is twenty dollars or more, is dissatisfied with such order, decision or judgment of a Judge or verdict of a jury, he shall be entitled to an appeal to a Judge of the Court of Queen's Bench, where the amount in question, or where the value of the goods in question, does not exceed the sum of fifty dollars, and to the Court of Queen's Bench *in banc* when the amount in question, or when the value of the goods in question, exceeds the sum of fifty dollars.

Appeal to  
Court of  
Queen's Bench  
*in banc* where  
amount involv-  
ed exceeds \$50.

Applications  
for leave to  
appeal no  
matter what  
amount involv-  
ed.

**316.** Notwithstanding the provisions of the foregoing section, any person directly affected by the decision of the Judge or verdict of the jury in any action, suit, matter or proceeding in any County Court, whatever may be the value or amount of the claim or matter in issue in the suit, where the ultimate judgment or decision in such County Court involves or appears to involve a question of law only, or a mixed question of law and fact, may apply to the Judge before whom the issue or issues were tried and determined, for leave to appeal to a Judge of the Court of Queen's Bench, or to the Court of Queen's Bench *in banc* upon the special grounds shown in such application; and if the said County Court Judge refuses to sanction such appeal, he shall give the reasons for such refusal in writ-

ing, and such person may then upon the same grounds apply to a Judge of the Court of Queen's Bench to have such appeal allowed, and upon such application he shall produce the said written grounds of refusal, if any, and the said last mentioned Judge may hear such application. *ex parte* or otherwise as he shall think fit, and may make such order allowing the appeal or otherwise and as to the costs of the application as he shall deem proper.

**317.** The appellant shall file in said County Court, within ten days after such order, decision, judgment or verdict, or such leave to appeal, is made or given, an affidavit of such appellant, his agent, counsel, or attorney, stating his *bona fide* intention to appeal, whereupon all proceedings in the action, suit, matter or proceeding shall be thereby stayed for two weeks from the day when such affidavit is filed, unless otherwise ordered by the Judge of the County Court or Judge allowing the appeal. Affidavit of intention to appeal to be filed.

**318.** Upon receipt of the said affidavit, the Clerk of the Court shall at once notify the opposite party, or his attorney, if any, by letter. Clerk to notify opposite party.

**319.** When the appeal is to a Judge of the Court of Queen's Bench, the appellant shall, within two weeks from the filing of such affidavit, enter his application with the Prothonotary of the Court of Queen's Bench, by filing a praecipe requiring him to set down the action, suit, cause, matter or proceeding upon the list of actions, suits, causes, matters and proceedings at a sitting of the said Court of Queen's Bench to be held on the Wednesday next after the expiration of twelve clear days from the filing of said praecipe, whereupon the same shall be set down for argument upon the proper list of cases, and said appeal shall be brought on for hearing when the same is reached upon the said list, or within such further time as may be fixed from time to time by the presiding Judge. Praecipe to be filed with Prothonotary upon appeal to Judge of Queen's Bench.

(2). When the appeal is to the Court of Queen's Bench *in banc* the appellant shall, within two weeks from the filing of such affidavit, enter his application with the Prothonotary of the Court of Queen's Bench, by filing a praecipe requiring him to set down the action, suit, cause, matter, or proceeding upon the term list provided for by Rule 168 of "The Queen's Bench Act, 1895"; whereupon the same shall be set down upon said list for argument before the Court *in banc*, and said appeal shall be brought on for hearing when the same is reached upon said list, or within such further time as may be fixed from time to time by the Court. Praecipe to be filed with Prothonotary upon appeal to Court *in banc*.

Contents of  
præcipe.

**320.** Such præcipe shall set out the nature of the application intended to be made and the grounds therefor.

Security for  
costs of appeal.

**321.** Before filing said præcipe the party intending so to appeal shall give security to the opposite party, by paying into the County Court from which said appeal is to be made the sum of twenty-five dollars as security for the costs of the appeal, or by filing in said County Court a bond to the Clerk of said County Court, executed by the appellant, and one sufficient surety to the satisfaction of said Clerk, in the sum of fifty dollars, conditioned to pay the costs of said appeal as the said Judge or Court appealed to shall order.

Transmission  
of papers to  
Prothonotary.

**322.** The Clerk of the County Court appealed from, shall, upon request in writing of the appellant, his agent counsel or attorney, after the giving of the security aforesaid, transmit to the Prothonotary of the Court of Queen's Bench, in a sealed package, all papers and proceedings filed in his office in such action, suit, cause, matter or proceeding for the purposes of said appeal.

Copies of evi-  
dence, etc.,  
where appeal  
to Judge.

**323.** When the appeal is to a Judge of the Court of Queen's Bench, the appellant, his counsel or attorney shall, within six days after the filing of such præcipe, file with the said Prothonotary a statement of the order, decision, judgment or verdict, or a copy thereof, if given in writing, and if a trial has been had, a copy of the evidence or notes of evidence taken at such trial, and of all recorded exceptions and objections thereto verified by the certificate of the County Court Judge or the Clerk of said County Court.

Copies of  
evidence, etc.,  
where appeal  
to Court *in  
banc*.

(2). When the appeal is to the Court of Queen's Bench *in banc*, the appellant, his counsel or attorney shall, within six days after the filing of such præcipe, file with the said Prothonotary, three statements of the order, decision, judgment or verdict, or three copies thereof, if given in writing, and if a trial has been had, three copies of the evidence or notes of evidence taken at such trial, and of all recorded exceptions and objections thereto, verified by the certificate of the County Court Judge or the Clerk of the said County Court.

Access to  
records for  
purpose of  
obtaining  
copies.

(3). For the purpose of obtaining said copies the appellant, his agent, counsel or attorney shall have free access, free of charge, to all records and papers in the said action, suit, cause, matter or proceeding, including the Judge's judgment, decision and notes of evidence.

**324.** The Judge appealed to shall, upon such appeal, have power to draw inferences of fact and to decide all questions of fact, as well as of law, and to exercise all powers now by law or practice vested in the Court of Queen's Bench, including the awarding of costs. The decision, judgment or order of the said Judge shall not be subject to appeal. <sup>Powers of Judge upon appeal.</sup> <sup>Decision of Judge final.</sup>

**325.** Where the appeal is to the Court of Queen's Bench *in banc*, the said Court *in banc* shall have the like powers as are by the last preceding section conferred upon a single Judge. <sup>Powers of Court *in banc* upon appeal.</sup>

**326.** No appeal under this Act shall be struck out, defeated or set aside for any irregularity or want of form, or for any defect in the proceedings required by this Act, not involving the actual merits of the case; but the said Judge or Court appealed to may order any amendments deemed necessary to be made, and may adjourn the hearing of said appeal from time to time upon such terms as may be deemed just, to the end that the same may be decided upon the actual merits thereof. <sup>Appeal not to be struck out on account of irregularities.</sup> <sup>Amendments.</sup>

**327.** Any Judge of the Court of Queen's Bench may, upon application by the appellant or his attorney, extend the time for the doing of any of the acts provided for in prosecuting an appeal, or may, upon such terms as he shall deem just, allow an appeal upon the same coming before him, notwithstanding that any proceeding required by the foregoing provisions may not have been taken within the time specified in this Act, provided the said Judge is satisfied that there was a *bona fide* intention to appeal upon the part of the appellant, and that the said proceeding was not taken as required by this Act, owing to inadvertence or accident, and that the opposite party has not been prejudiced thereby. <sup>Extension of time for taking appeal proceedings.</sup>

**328.** The Prothonotary of the Court of Queen's Bench, in taxing the costs of any appeal under this Act, shall, in items not provided for in any tariff of costs, allow such fees and charges, as in view of like or similar items provided for he thinks just and reasonable. <sup>Taxation of costs of appeal.</sup>



## CHAPTER 4.

An Act to provide a further sum for the completion of the new Court House and for the enlargement of the Gaol for the Central Judicial District.

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

\$5,500 may be borrowed to complete C. J. D. Court House.

1. The Municipal Commissioner shall be and is hereby authorized and empowered to issue debentures for a sum not exceeding five thousand five hundred dollars, to provide a further sum for the completion of the new Court House, and the enlargement of the Gaol for the Central Judicial District.

Debentures.

2. The debentures to be issued under the authority of this Act shall be subject to all the provisions of Chapter 7 of 57 Victoria.

Commencement of Act.

3. This Act shall come into force on the day it is assented to.

## CHAPTER 5.

An Act to amend "The Dairy Factories Incorporation Act."

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

R. S. M., c 41, s. 4, amended.

1. Section 4 of Chapter 41 of the Revised Statutes of Manitoba, being "The Dairy Factories Incorporation Act," is hereby amended by adding thereto the following : "and upon the filing of the declaration, the members of the Association shall become a body corporate by the name therein described," and by adding thereto the following sub-sections :

Incorporation.

(2.) Under such title or name each such Association shall be a body politic and corporate, and shall have power to acquire and hold real estate within the Province of Manitoba, for the purpose of carrying out the objects for which such Association has been formed. <sup>Power to hold lands.</sup>

(3.) The Association may sell, mortgage, lease or otherwise dispose of any real property owned by them upon being authorized to do so at a general meeting of the Association, at which there are present persons owning or lawfully representing two-thirds of the value of the stock of the Association, of which meeting at least ten days' notice shall be given by mailing a notice to each member, stating therein the objects of such meeting. <sup>Power to sell and mortgage lands.</sup>

(4.) The Association shall have power to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and in all actions, causes and suits at law and in equity whatsoever, and of becoming a party to any contracts or agreements, and to enter into, sign, make and accept any notes, bills of exchange, chattel mortgages, liens, bills of sale or securities upon stocks or instruments of such nature in the management of the affairs of the said Association, and relating only to their effects other than real estate, whenever authorized by by-law of the Directors of the said Association to do so. <sup>Power to carry on litigation, etc.</sup>

Provided that any agreements, instruments or securities of the character herein referred to, entered into before the passing hereof, shall be considered to have been within the powers of said Association and to have been legally entered into. <sup>Proviso.</sup>

(5.) Any such Association may at any time, upon being authorized by resolution passed at a general meeting of the Association held and constituted in accordance with provisions of sub-section (3) hereof, increase its capital stock by by-law of the Board of Directors, which by-law shall take effect upon and from the filing thereof, together with a verified copy of the said resolution of the general meeting, in the office of the Provincial Secretary. <sup>Increase of capital stock.</sup>

**2.** Section 5 of the said Act is hereby amended by striking out all words up to and including the word "but" in the fourth line thereof. <sup>Sec. 5 amended</sup>

**3.** This Act shall come into force on the day it is assented to. <sup>Commencement of Act.</sup>

## CHAPTER 6.

## An Act to amend "The Distress Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

R. S. M. c. 46  
amended by  
adding section  
4a.

1. Chapter 46 of the Revised Statutes of Manitoba, is hereby amended by adding thereto the following section immediately after Section 4 thereof :

Distress for  
rent limited to  
goods of tenant  
with certain  
exceptions.

4-a. A landlord shall not distress for rent on goods and chattels the property of any person except the tenant or person who is liable for the rent, although the same are found on the premises ; but this restriction shall not apply to crops or grain in favor of a person claiming title under or by virtue of an execution or attachment against the tenant, or in favor of any person whose title is derived by purchase, gift, transfer, or assignment from the tenant, whether absolute or in trust, or by way of mortgage or otherwise, nor to the interest of the tenant in any goods on the premises in the possession of the tenant under a contract for purchase or by which he may or is to become the owner thereof upon performance of any condition, nor where goods have been exchanged between two tenants or persons by the one borrowing or hiring from the other for the purpose of defeating the claim of or the right of distress by the landlord, nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the tenant, or by any other relative of his, in case such other relative lives on the premises as a member of the tenant's family.

Application of  
Act.

2. This Act shall not affect or apply to any action, suit, proceeding, matter or thing arising out of past tenancies or leases or out of existing tenancies or leases.

## CHAPTER 7.

## An Act to amend "The Game Protection Act."

*(Assented to 19th March, 1896.)*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. Paragraph (e) of Section 2 of Chapter 62 of the Revised Statutes of Manitoba, being "The Game Protection Act," as amended, is hereby further amended by striking out the words "fifteenth day of August," where the same occur in the second line of said paragraph and by substituting therefor the words, "first day of September."

R. S. M. c. 62,  
s. 2, paragraph (e) amended.  
Close season for duck, 1st May to 1st September.

2. Paragraph (f) of Section 2 of said Chapter 62 as amended, is hereby further amended by striking out the words "January following," where the same occur in the last line of said paragraph, and by substituting therefor the word "November."

Sec. 2, paragraph (f) amended.  
Close season for muskrat, 15 May to 1st January following.

3. The said Chapter 62 is hereby further amended by adding thereto the following section immediately after Section (2b.) thereof:

(2c.) None of the animals mentioned in paragraph (a) of Section 2 shall be shot at, hunted, trapped, taken or killed for a period of two years from the fifteenth day of October, 1896.

Deer, moose, etc., not to be hunted or killed for 2 years from 15 Oct., 1896.

4. Section 13 of said Chapter 62 is hereby amended by striking out the words "twenty-five" where they occur in the fifth and sixth lines of said section, and by substituting therefor the word "fifty," and by striking out all the words after the word "year" in the tenth line of said section.

Sec. 13 amended.  
Fee for license to non-resident increased to \$50  
Provision for grant of permit to guest of resident repealed.

5. This Act shall come into force on the day it is assented to.

Commencement of Act.

## CHAPTER 8.

An Act to amend "The Horse Breeders' Lien Act."

(Assented to 19th March, 1896.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

56 V. c. 15, s 2,  
amended.

1. Section 2 of Chapter 15 of the Acts passed in the fifty-sixth year of Her Majesty's reign is hereby amended by adding thereto the following:—

Fee for certificate respecting registered stallion.

Provided that in the case of a sale or transfer of a stallion once so registered the new owner upon filing proof of such sale or transfer to him and, if required, surrendering the original certificate, shall be entitled to a new certificate of registration upon payment of the sum of one dollar.

Sec. 4,  
amended.  
Time for filing declaration of service extended to 1 year.

2. Section 4 of said Chapter 15 is hereby amended by striking out the words "nine months" in the fifth line of said section, and by inserting in lieu thereof the words "one year."

Commencement of Act.

3. This Act shall come into force on the day it is assented to.

## CHAPTER 9.

An Act to amend "An Act respecting Iceholes in the Red and Assiniboine Rivers."

(Assented to 19th March, 1896.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

R. S. M., c 71,  
amended by  
adding sec. 3a.

1. Chapter 71 of the Revised Statutes of Manitoba is hereby amended by inserting after Section 3 thereof the following section:—

3a. Any person, firm or corporation operating or using a steam engine exhausting steam or discharging water from the condenser or other apparatus in connection with such engine upon the ice or surface or bank of either of said Rivers so as to melt or thaw the ice or to keep the river open when ice would otherwise form, shall cause the entire space of the surface of such river affected by such steam or water to be surrounded by a fence or enclosure of wood at least two feet in height and shall maintain the same so long as said ice may be affected.

Fencing ice-holes caused by hot water from engines.

2. This Act shall come into force on the day it is as-  
sented to.

Commence-  
ment of Act.

## CHAPTER 10.

An Act to amend "An Act respecting Aid to Railways."

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. The recital to the Act of the Legislature of Manitoba, Chapter 16, of 56 Victoria, is hereby amended by striking out the words and figures "55 and 56 Victoria, chapter 41" in the eighth and lines of the said recital; and sections one to eleven inclusive of the said Act are hereby repealed.

Recital of 56 V.  
c. 16 amended.

Sections 1 to 11  
repealed.

2. It shall be lawful for the Government of Manitoba, on such terms and conditions as may be agreed upon with The Lake Manitoba Railway and Canal Company, to aid and assist the construction of a line of railway by said Company, from a point in or near the Town of Portage la Prairie, or in or near the Town of Gladstone, or from some point on the line of The Manitoba and North Western Railway which may be authorized by the charter of the said Company, running in a northerly or north-westerly direction west of Lake Manitoba, to a point west of Lake Dauphin, or passing west of Lake Dauphin, to a point at or near Lake Winnipegosis, in the Province of Manitoba, by guaranteeing the principal and interest of first mortgage bonds of the Company to the amount of \$8,000

Aid to  
Company.

per mile of such railway, and bearing interest at four per centum per annum for a term of thirty years from the date of the issue of such bonds, and by exempting said Railway Company, its property and franchises, from taxation during the period of such guarantee. Said bonds and the interest thereon shall be required to be a first charge upon said line of railway, and the franchises of the Company and the rolling-stock, tolls and revenues of the said line of railway, other than any aid to which the Company may be or become entitled from the Government of Canada, in pursuance of the Act of Incorporation of the said Company and the General Railway Act of Canada.

Guarantee of  
bonds.

3. The guarantee upon the bonds of the Company authorized by this Act, in order to be valid and binding, shall be in the following form, and endorsed upon each guaranteed bond, "the principal sum secured by the within bond and interest thereon payable semi-annually for thirty years, at the rate of four per centum per annum, is hereby guaranteed by the Government of Manitoba," and shall be signed by the Provincial Treasurer, and the Government of Manitoba shall thereafter be liable to pay the principal and interest of the said bond according to the tenor thereof.

Disposition of  
bonds.

4. The Lieutenant-Governor-in-Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee, and to advance the amount necessary for that purpose out of the public funds of the Province of Manitoba, and to agree with the Company as to the retention or disposition of the said bonds or the coupons attached thereto, and in reference to the remedies of the Government regarding the amounts paid by it under such guarantee.

Conditions.

5 (2.) The Lieutenant-Governor-in-Council may impose such other conditions upon the granting of aid under this Act as may be deemed necessary in the public interest and not inconsistent with the terms of this Act.

Commence-  
ment of Act.

5. This Act shall come into force on the day it is assented to.

## CHAPTER 11.

## An Act to amend "The Law Society Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

1. The Law Society Act, being Chapter 83 of the Revised Statutes of Manitoba, is hereby amended by adding thereto the following section : R. S. M. c. 88 amended by adding sec. 78.

78. The said Society shall have power to invest its funds, or any part thereof, in the debentures of any incorporated City, Town, or Rural Municipality, or School District in the Province of Manitoba, authorized to issue bonds or debentures, or in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or in first mortgages upon improved or partially improved real estate in the Province of Manitoba, on such terms as may be determined upon by the Benchers of the said Society. Investment of Society's funds.

2. This Act shall come into force on the day it is assented to. Commencement of Act.

## CHAPTER 12.

## An Act to amend "The Liquor License Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

1. Section 102 of Chapter 90 of the Revised Statutes of Manitoba, being "The Liquor License Act," is hereby repealed and the following section substituted therefor : R. S. M., c. 90, s. 102, repealed and section substituted.

102. In every case of transfer of an hotel or restaurant or wholesale license, the person in whose favor any such Filing application for transfer.



transfer is to be made shall file his application therefor with the Provincial Treasurer.

Recommendation for transfer when required.

(2.) In cases where the license to be transferred is for sale of liquors in any place other than a city or town having a population of two thousand or over, the application shall in every case be accompanied by the recommendation (Schedule C) referred to in Section 32 of this Act.

Procedure.

(3.) Upon receipt of the said application for transfer and upon the requirements of this Act being complied with, the Provincial Treasurer shall proceed as directed by Section 25 of this Act and thereafter the provisions of this Act relating to the procedure upon, and protesting against, original applications for licenses, shall apply *mutatis mutandis* to the said application for transfer.

Recommendation for transfer when required.

(4.) The recommendation referred to in Section 32 of this Act (Schedule C) shall be required in the case of a transfer as aforesaid, notwithstanding that the transferrer did not require to obtain the same by reason of coming within the provisions of Section 35 of this Act.

Section 48a added.

2. Said Act is hereby further amended by inserting therein immediately after Section 43 thereof, the following:—

Names not to be withdrawn from recommendation, etc.

43a. After any person has affixed his signature to a recommendation, application, petition, protest or other document under this Act, such person shall not be permitted to withdraw his or her name therefrom, except fraud be shown. No names shall be added to or taken from any recommendation, application, petition or protest after the same has been filed, nor shall any supplementary recommendation, application, petition or protest be considered.

Commencement of Act.

3. This Act shall come into force on the day it is assented to.

## CHAPTER 13.

An Act to amend "The Master and Servant's Act."

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

1. Section 17 of Chapter 96 of the Revised Statutes of Manitoba, is hereby amended by adding the following :—

R. S. M., c. 96,  
s. 17, amended  
by adding sub-  
section.

(2.) Notwithstanding anything contained in Chapter 53 of the Revised Statutes of Manitoba, and amendments, a distress warrant issued by a justice of the peace, or police magistrate, for the recovery of wages under "The Master and Servant's Act," may be executed against the personal estate mentioned in paragraph (a) of Section 43 of said Chapter 53.

R. S. M., c. 53,  
s. 43, para-  
graph (a) not  
to apply to dis-  
tress warrants  
for wages.

2. This Act shall come into force on the day it is as-  
sented to.

Commence-  
ment of Act.

## CHAPTER 14.

An Act to amend "The Mechanics' Lien Amend-  
ment Act."

(Assented to 19th March, 1896.)

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

1. Section 3 of Chapter 28 of 58 and 59 Victoria, is hereby amended by adding thereto the following :

58 and 59 v., c.  
28, s. 3,  
amended by  
adding sub-  
sections.

(2.) Said lien shall from and after the time of its registration take priority over all instruments registered against the lands affected by said lien after the time of commencement of the labor or work for which said lien is claimed.

Priority of lien  
for wages over  
certain regis-  
tered instru-  
ments.

Priority over  
garnishing  
orders, etc.

(3.) Such lien shall also have priority over all garnishee or stop orders, assignments or orders affecting the moneys due from the owner to the contractor or sub-contractor, unless such garnishee or stop orders, assignments or orders affecting said moneys be for debts or claims which were incurred for material or labor actually used or done in connection with the work for which said lien is claimed.

Workman  
when entitled  
to payment.

(4.) Notwithstanding that there shall be an agreement between the owner or proprietor and the contractor or sub-contractor, that the said contractor or sub-contractor shall not be entitled to payment for the work done upon any such construction, repairs or alteration of any building or erection, or in making an excavation for any building or erection, or placing machinery of any kind in, upon or in connection with any building or erection or mine, until some future time after the completion of said work or labor, any mechanic, laborer or workman who performs labor for wages in connection with said work, shall be entitled to payment for the same forthwith after legally quitting such work or labor.

## CHAPTER 15.

### An Act to amend "The Municipal Act."

(Assented to 19th March, 1896.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

R. S. M. c. 100  
s. 69 amended  
by adding  
paragraph (d).

1. Section 69 of Chapter 100 of the Revised Statutes of Manitoba being "The Municipal Act" is hereby amended by adding thereto the following:—

Persons in  
arrears for cer-  
tain taxes on  
unpatented  
lands  
disqualified as  
electors.

(d) Persons who are in arrears for taxes upon unpatented lands other than taxes thereon for the current year.

Sec. 88 amend-  
ed. In cities  
poll to be held  
one week after  
nomination.

2. Section 88 of said Chapter 100 is hereby amended by inserting after the word "weeks" in the eighth line thereof, the words "and in the case of cities one week."

Sec. 118  
amended.

3. Section 118 of said Chapter 100 is hereby amended by adding to the form of oath therein before the words "So

help me God" the following words "and am not indebted to the municipality in respect of taxes levied against unpatented lands other than taxes thereon for the now current year."

Elector must swear he is not indebted for certain taxes on unpatented lands.

4. The said Chapter 100 is hereby amended by adding after Section 252 the following section:—

252 (a). Any party to a petition or proceeding presented to or before any Judge of a County Court may appeal from any order, decision, ruling or judgment of such Judge in connection with any such petition or proceeding, to the Full Court of Queens Bench. Any such appeal may be taken in the same manner and subject to the same rules of law and procedure as an appeal from any decision, or judgment of a County Court Judge under "The County Courts' Act" and amendments.

Appeals from County Court Judge.

5. Section 297 of said Chapter 100 is hereby amended by striking out the words "Department of Agriculture and Immigration" in the fourth and fifth lines thereof and by substituting therefor the words "Municipal Commissioner," and by striking out the word "Department" in the fifth and sixth lines thereof, and by substituting therefor the words "Municipal Commissioner."

Section 297 amended. Vital statistics returns to be sent to Municipal Commissioner.

6. The said Chapter 100 is hereby amended by adding immediately after Section 309 the following section:—

309 (a). It shall be the duties of auditors appointed under the provisions of this Act to examine and report to the council whether the funds of the municipality have been legally paid and disbursed pursuant to the statutes in that behalf and the resolutions and by-laws of the council, and for that purpose said auditors shall examine the by-laws, resolutions, papers, proceedings and records of the municipality in the hands of the Clerk who is to render all reasonable assistance in that behalf.

Auditors' duties and reports.

7. Section 310 of said Chapter 100 is hereby amended by striking out the words "and subject to be sold under execution or certificate of judgment" in the twentieth and twenty-first lines of said section.

Section 310 amended. Declaration of property qualification.

8. Section 311 of said Chapter 100 is hereby amended by inserting therein after the word "and" in the fourteenth line thereof the following "(in cases of Mayor, Reeve, Alderman or Councillor)."

Section 311 amended. Declaration of office.

Section 404 amended.  
Limit of annual rate in Rural Municipalities increased to 2 per cent.

**9.** Section 404 of said Chapter 100 is hereby amended by striking out the words "one and one-half" in the sixth line thereof and inserting in lieu thereof the word "two."

Section 430 amended.  
Annual reports as to Municipal indebtedness to be sent to Municipal Commissioner.

**10.** Section 430 of said Chapter 100 is hereby amended by striking out the words "Department of Agriculture and Immigration" wherever they occur therein, and by substituting therefor the words "Municipal Commissioner."

Section 502a added.

**11.** The said Chapter 100 is hereby further amended by adding thereto immediately after Section 502, the following section :—

Non-accrued assessments for local improvements not encumbrances as between vendor and purchaser,

**502 (a).** Unaccrued assessments or levies for local improvements shall not be deemed to be an incumbrance as between vendor and purchaser.

Section 522 amended.  
Apportionment of local improvement tax where re-subdivision or change of ownership occurs.

**12.** Section 522 of said Chapter 100 as enacted by Section 10 of Chapter 25 of the Statutes of Manitoba, passed in the 55th year of Her Majesty's reign, is hereby amended by striking out all the words from the word "so" in the fifth line thereof to the word "assessed" in the ninth line thereof, inclusive of both said words.

Section 556 amended.  
Council of Winnipeg to pay certain costs of sinking fund trustees.

**13.** Section 556 of said Chapter 100 is hereby amended by striking out the words "clerical assistance" in the twenty-fourth line thereof, and inserting the words "all other costs, charges and expenses including costs of repairs, collection of rents, legal expenses and clerical assistance to be paid out of and from the Sinking Fund."

Section 591 amended.

**14.** Section 591 of said Chapter 100 is hereby amended by adding thereto the following paragraph :—

By-laws as to grain testers.

(e) For providing grain-testers and placing the same in market places, or in places in or convenient to the municipality and for appointing and compensating persons to take charge thereof.

Section 599 paragraph (h) amended.

**15.** Paragraph (h) of Section 599 of said Chapter 100 is hereby amended by adding thereto the following :

Certain hawkers need not be licensed.

Provided always that no license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of "The Liquor License Act," if the same are being hawked or peddled by the manufacturer or producer of such goods

wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf, any municipal by-law to the contrary notwithstanding. But this proviso shall not apply to cities.

**16.** Paragraph (m) of Section 599 of said Chapter 100 as enacted by Section 17 of Chapter 20 of 57 Victoria and amended by Section 16 of Chapter 32 of 58 and 59 Victoria is hereby further amended by adding at the end of said paragraph as amended the following :—"Such by-law may provide that prior to the issue of any license the prescribed regulations shall have been complied with, and that upon inspection the cows, dairies, stables and utensils from which any milk is supplied or intended to be supplied have been found in a satisfactory condition. Provided, however, that this provision shall not give rise to any inference or implication that said paragraph (m) did not heretofore authorize such a provision in any such by-law."

Section 599 paragraph (m) amended.  
By-laws regulating sale of milk and inspection of dairies.

**17.** Section 616 of said Chapter 100 is hereby amended by striking out the words "twenty feet wide" in the second line thereof, and by substituting therefor the words "sixteen feet wide across the top."

Section 616 amended.  
Raised portion of roads to be 16 feet across top.

**18.** Notwithstanding the provisions of Section 692 of said Chapter 100 the provisions of Section 689 of the same shall apply *mutatis mutandis* to arbitrations and expropriation proceedings by cities.

Declaration that Section 689 as to the adoption of award by by-law in certain cases shall apply to cities.

**19.** Section 12 of Chapter 33 of the Acts passed in the fifty-eighth and fifty-ninth years of Her Majesty's reign, being "An Act further to amend The Municipal Act," is hereby amended by inserting after the word "municipality" in the sixteenth and seventeenth lines thereof, the words "who vote upon the said by-law being submitted to the electors," and by adding to said section the following sub-section :

58 and 59 v. c. 33 s. 12 amended.  
Majority necessary to carry Franklin debenture by-law, two-thirds of resident electors voting on by-law.

(2). The said Debentures, when issued and delivered, shall be a valid and binding indebtedness of the said Rural Municipality of Franklin, and the said Municipality shall pay the same according to the purport, terms and intent thereof, and shall in each year levy a special rate for the purpose of paying the interest borne by the said Debentures, but notwithstanding anything contained in the Municipal Act it shall not be necessary to levy a specific sum annually for the purpose of creating a sinking fund to pay the principal money due on said Debentures.

Operation of debentures issued under said by-law.

Receiver to be appointed by Court of Q. B. or Judge thereof.

**20.** The words "Lieutenant-Governor-in-Council" and "Lieutenant-Governor," where the same occur in Sections 15, 16, 20, 23, 24 and 25 of said Chapter 33, are hereby struck out and the words "Court of Queen's Bench for Manitoba or a Judge thereof" substituted therefor.

Receiver to report when requested by Court.

**21.** Section 22 of said Chapter 33 is hereby amended by striking out the words "Provincial Treasurer" in the first and second lines thereof and inserting the words "said Court."

Rural Municipality of Portage la Prairie empowered to sell Court House.

**22.** The Council of the Rural Municipality of Portage la Prairie shall be and are hereby authorized and empowered to sell and alienate or otherwise dispose of the land together with the building thereon, heretofore used as a Court House in the Town of Portage la Prairie, to such person or persons, body or bodies corporate, for such sum or sums of money, and upon terms or conditions as to the said Council shall seem meet.

Such sale, as aforesaid, shall be first made the subject of by-law duly passed by the Council of said municipality, and any conveyance issued under the provisions thereof shall be signed by the Reeve and Clerk of the municipality and have attached thereto the corporate seal thereof.

Osborne Street bridge and C. P. R. track bridge debentures.

**23.** The debentures issued under the by-law or by-laws referred to in Sections 26 and 27 of Chapter 32 of the Acts passed in the 58th and 59th Victoria as amended by Sections 8 and 9 of Chapter 33 of the Acts passed in said session shall bear interest at such rate and shall be payable at such time or times not exceeding fifty years as the Council of the City of Winnipeg shall decide, and shall together with the interest thereon be a valid and binding charge upon the said City in the same manner and to the same extent as if issued under a by-law within the powers of the said Council and duly passed and assented to by the electors under the provisions of "The Municipal Act." In all other respects, save as excepted in said Sections 26 and 27, said by-laws shall conform to the provisions of "The Municipal Act."

Main Street bridge by-law and debentures.

**24.** The City of Winnipeg shall have power and may pass a by-law to contract a debt of \$10,500.00 by the issue and sale of debentures without submitting any by-law therefor to the electors, for the purpose of constructing a central pivot pier and two abutments for the bridge across the Assiniboine River at Main Street. Such by-law shall in all other respects, except as herein provided, conform to the provisions of "The Municipal Act." Said debentures

tures shall be payable at a period to be named by the Council not later than fifty years from the date of issue, and shall bear interest at such rate, payable at such times as the Council may determine, and when issued and sold shall be a valid and binding charge upon the said City in the same manner and to the same extent as if issued under a by-law within the powers of the said Council and duly passed and assented to by the electors under the provisions of "The Municipal Act."

**25.** The Council of the City of Winnipeg may pass a by-law for creating a debt of thirty thousand dollars (\$30,000.00) by the issue and sale of debentures for the purpose of constructing additional buildings upon and improving the existing buildings, grounds and property of or occupied by the Winnipeg Industrial Exhibition Association in the City of Winnipeg. Such debentures shall bear interest at a rate, and the principal and interest thereof shall be payable at such times as shall be fixed by the said Council. Such by-law shall be submitted to a vote of the electors qualified to vote upon by-laws for the creation of debts in the manner and according to the forms of "The Municipal Act," but notwithstanding any provisions of said Act, it shall be deemed to be carried and approved if three-fifths of the said electors actually voting upon the same shall have voted in favor thereof. Said debentures when issued and sold shall be valid and shall be a binding charge upon the City as fully as if the same had been issued under a by-law duly passed and approved under the provisions of "The Municipal Act."

Winnipeg may contract additional debt of \$30,000 re Winnipeg Industrial Exhibition.

**26.** The appointment of auditors as provided by Sections 305 to 308 of said Chapter 100 shall not be compulsory in the case of the City of Winnipeg but shall be in the discretion of the Council thereof.

Sections 305 to 308 as to annual appointment of auditor, not compulsory in case of Winnipeg.

**27.** Sub-clauses (a), (b), (c), (d), (e) and (f) of Clause 3 of the agreement set out in Schedule "A" of this Act are hereby declared to be enacted as a portion of "The Municipal Act" and shall be applicable only to the City of Winnipeg.

Certain clauses of agreement between Winnipeg and Winnipeg Electric St. Ry. Co. made part of Municipal Act.

**28.** The agreement under their respective corporate seals, between the City of Winnipeg and the Winnipeg Electric Street Railway Company (a copy of which agreement is set out in Schedule "A" to this Act), is hereby validated, ratified and confirmed, and the parties thereto shall carry out and observe, and each shall be entitled to the observance by the other of the conditions and provisions thereof according to their purport in all respects, as if

Validation of agreement between City of Winnipeg and Winnipeg Electric Street Ry. Co.



said provisions and conditions had been enacted by the Legislature of this Province.

Commence-  
ment of Act.

**29.** This Act shall come into force on the day it is assented to.

## SCHEDULE A.

### AGREEMENT.

THIS AGREEMENT made in duplicate the thirtieth day of August, A.D. 1895,

### BETWEEN

The City of Winnipeg, hereinafter called the City,

and

The Winnipeg Electric Street Railway Company, hereinafter called the Company.

WHEREAS certain questions have arisen between the City and the Company in relation to certain matters hereinafter mentioned,

AND WHEREAS upon negotiation the parties have reached a basis of settlement,

Now THESE PRESENTS WITNESS,

(1.) The City at the request of the Company (which request is hereby made) shall make and construct the Company's share or part of the wooden block pavement now proposed to be constructed on Main Street from Point Douglas Avenue to Portage Avenue and the Company is to repay the cost of its part of said pavement in the same manner as to time as is provided for frontage property owners by extending the payment over seven years in equal annual instalments of principal and interest under an assessment by-law the computation of interest on the debt and of interest on the investment of sinking fund to repay the principal to be at the same rates respectively charged and allowed upon the ordinary frontage assessments of said work.

(2.) The claims of the City against the former Company (the Winnipeg Street Railway Company) for said annual

assessments for said old Company's share of pavements on Main Street, Portage Avenue and Kennedy Street of which the assessment for 1894 is now in arrear and the present cash value of the whole of which assesment is \$16,911.40, including the arrears for 1894, is settled and allowed between the City and the new Company (the said Winnipeg Electric Street Railway Company) at the sum of \$12,683.55, being seventy-five per centum of the said ascertained present value, the City making the rebate of the difference on account of the increased use and value to the citizens of the old Company's portions of said pavements by reason of their lines having been removed. The said new Company admits the liability of the old Company and of itself as the successor of the said old Company to the extent of the said sum of \$12,683.55, for the purpose of settling said claim without further difficulty and dispute. The Company shall pay the said sum of \$12,683.55 to the City by seven equal annual instalments of principal and interest, the first to be paid in the year 1896, and on the same date in each respective year as ordinary taxes shall be payable, interest on debt to be computed at the rate of five per cent. per annum and on the investment of sinking fund at the rate of four per centum per annum. The said Winnipeg Electric Street Railway Company is to pay said instalments and the City shall have all the rights of collecting and enforcing the collection of same in every respect as if the same were in the nature of a special local improvement assessment upon said Company under the Municipal Act.

(2a.) The Company hereby covenants to pay the sums hereinbefore mentioned at the times and in the manner hereinbefore provided.

(3.) The Company hereby covenants that they will join the City in an application to the Legislature of the Province of Manitoba for amendments to the Municipal Act or to the charter of the said Company providing that:—

“ (a.) In every case of construction or renewal of any  
“ kind of pavement upon any of the streets or portions of  
“ streets occupied by the Winnipeg Electric Street Railway  
“ Company or on any parts of same, the said Company shall  
“ have the option of constructing their portion of any such  
“ pavement proceeding with such construction at the same  
“ time as the City's portion is constructed, provided always  
“ that such work shall be the same as that done by the  
“ City ; or at the Company's request the City shall con-  
“ struct the same and in every case the City shall assess  
“ the annual rate covering interest and sinking fund the

“rate of interest upon debt and upon investment of sinking fund to be the same as charged and allowed to frontage owners and extending over a like period as that upon which the assessment upon the adjacent ratepayers is adjusted, upon the said Company for the cost thereof with full power to the City to raise such sum by an issue of debentures and to collect the same in the manner provided under the Municipal Act for the construction of improvements.

(b). “This clause however shall not have the effect of compelling the Company to build or pay for any pavement which the Company is not liable to build or pay for, nor shall anything herein contained release or relieve the Company from its liability as at present existing under By-law 548 of the City of Winnipeg or any future liability under any contract or statute now in force or which may hereafter be in force as to construction or paying for pavements.”

(c). “The said request by the Company shall be taken to have been made if the Company do not within sixty days after newspaper notice of the intention of the Council to undertake a local pavement improvement under the provisions of Section 509 of the Municipal Act or by direct notice of similar intention given to the Company or its proper officer express in a written notice to the Council its intention to construct its own portion of the pavement or unless the Company shall have *bona fide* commenced and are proceeding with its part of the pavement to the satisfaction of the City Engineer. In the event of the Company not proceeding to the City Engineer’s satisfaction he shall take charge of the construction of the Company’s part of the pavement and perform the same at the expense of the city, in which case the City shall assess and the company shall repay to the City the cost thereof as hereinbefore provided.”

(d). “The said special assessment shall be treated as taxes. And the City shall have a first lien upon all the assets and property and franchise of the Company its successors and assigns for said assessments both those which may have at any time accrued due or thereafter are to accrue due. And the City shall have all the rights contained in the Municipal Act and the Municipal Assessment Act and the amendments thereof for the levy and collection of the same from and against the said Company. And further, that notwithstanding the abandonment cesser of operation or the taking up or removing of any line or lines or portion of any line or lines by the said Company

“before the expiration of such improvement assessment period  
“the Company, its property, assets and franchises shall  
“still remain liable for the unpaid and accruing instalments  
“of assessment. And further that in any such case the  
“then present value of said assessments including any then  
“accrued due on such line or lines shall be due and payable  
“forthwith by the Company to the City and may be collect-  
“ed and levied by the City as if the same were then due as  
“taxes or special local improvement assessments.

(e). “In the case of any petition for or against a proposed  
“pavement whether proposed upon the initiative of the City  
“Council or not the Street Railway Company shall not in  
“respect of its lines of railway and appliances and cars  
“along or upon any street or streets be counted as an  
“owner of real property affected nor shall its said lines  
“appliances or cars in any way be taken into account in  
“computing the real property affected.

(f). “In case of the Company making default in  
“paying any pavement assessment or assessments upon or  
“in respect of any pavement or pavements or under any by-  
“law therefor for a period of eighteen months the whole of  
“the assessments both those due and those for future years  
“shall be wholly due and payable at the then present value  
“of the whole of said assessments together with the interest  
“upon the assessments in arrears.”

(4). And the Company and the City agree that the  
amendments referred to in Section 3 and sub-sections  
thereof shall be made applicable by enactment of the Legis-  
lature not only to pavements to be constructed subsequent  
to such enactments but also to the Company's part of any  
pavement or pavements constructed by the City during the  
year 1894 or subsequent thereto and prior to the coming  
into force of any such enactment as aforesaid.

(5). And the parties hereto agree that it be further  
provided in said enactments that nothing in the agreement  
hereby arrived at nor in the Municipal Act shall affect or  
abridge the Company's liability to maintain its tracks and  
road-bed and its part of any pavement in good order and  
repair.

(6). If the Legislature of Manitoba shall not at its now  
next ensuing session enact the legislation contemplated by  
this agreement then this agreement shall from and after  
the end of said session be void except as to pavements then  
constructed or contracted for hereunder and except as to

the payments agreed to be made under clause (2) of this agreement, and in such case the then present value of the assessments then due and also to accrue due in respect of said pavements constructed or contracted for hereunder shall be paid by the Company to the City forthwith after the end of said session and the Company will pay to the City the assessments payable under clause (2) of this agreement at the times and in the manner provided for in said clause (2) and the City shall also in respect thereof have all the rights and remedies provided for in said clause (2) hereof.

IN WITNESS WHEREOF the said City hath executed these Presents by causing her Mayor, Treasurer and Comptroller to sign these presents and by affixing her Corporate Seal hereto and the Company hath executed the same by causing its Manager and Secretary to sign these Presents and by affixing their Corporate Seal thereto.

SIGNED, SEALED AND

DELIVERED.

M. B. Jackson,

as to Geo. H. Campbell

and F. Morton Morse.

Thomas Gilroy,  
Mayor.

W. G. Scott,  
Treasurer. [L.S.]

D. S. Curry,  
Comptroller.

The Winnipeg Electric  
Street Ry. Coy.

Geo. H. Campbell,  
Manager. [L.S.]

F. Morton Morse,  
Secretary.

Certified correct,  
Hough & Campbell,  
City Solicitors.

## CHAPTER 16.

An Act to amend "The Assessment Act," and certain Acts amending the same.

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

1. Paragraph (r) of Section 3 of Chapter 101 of the Revised Statutes of Manitoba, is hereby amended by striking out all the words from and including the word "lands" in the first line of the said paragraph, to and including the word "and" in the second line thereof.

R. S. M. C. 101, s. 3, paragraph (r) amended.  
Provincial lands not liable to local improvement taxes.

2. Paragraph (e) of Section 94 of said Chapter 101 as amended by Section 2 of Chapter 21 of 57 Victoria, is hereby amended by striking out the last line of said amendment to said paragraph and by inserting in lieu thereof the following words: "in any township or townships or in any portion or portions of any township or townships in the municipality."

Section 94 paragraph (e) amended.

Statute labor.

3. Sub-section 2 of Section 120 of said Chapter 101 as enacted by Section 16 of Chapter 34 of 58 and 59 Victoria, is hereby amended by inserting after the word "same," in the second line thereof, the words "or for which the same is liable," and by striking out the word "January" where it occurs in the third and sixth lines of said sub-section and by substituting therefor the word "April."

Section 120 amended.

When personal property liable to distress, notwithstanding change of ownership.

4. Section 132 of said Chapter 101 is hereby amended by inserting after the word "accrued" in the sixth line thereof, the words "or which is liable for any taxes."

Section 132 amended.  
Notice by collector when personal property under seizure liable for taxes.

5. Sections 141, 142, 143 and 144 of said Chapter 101 are hereby repealed, and the following substituted therefor:

Sections 141 to 144 repealed.

141. The Treasurer of each Municipality shall within one month after a sale of land for taxes has been held by the Municipality, return to the District Registrar for the Lands Titles District in which the Municipality lies, a statement certified under his hand and official seal showing all lands which were sold at that sale.

Tax sale returns to be sent to District Registrars.

142. The District Registrar may provide a form for the use of the Treasurer under the last preceding section, and

Form for such returns.

may include in such form any particulars not provided for by said section, which form the Treasurer shall be bound to fill up and return to the District Registrar within the time above mentioned.

Sec. 147  
amended.  
District Registrars may give certificates as to lands sold for taxes.

6. Section 147 of said Chapter 101 is hereby amended by striking out the words "as to arrears of taxes," in the second line thereof.

Sec. 171  
amended.

Certificate where lands sold for more than taxes.

7. Section 171 of said Chapter 101 is hereby amended by striking out all the words after the word "received" in the ninth line thereof, and by substituting therefor the words "and the balance together with all taxes accruing thereon in the meantime shall be paid to the Treasurer of this Municipality within the time required by Section 168 of Chapter 101 of the Revised Statutes of Manitoba; in case such balance be not paid within the time required by said section, all claims to said lands and to the money already paid shall be forfeited by the holder hereof."

56 v. c. 24, s. 8,  
paragraph (a)  
amended.

8. Paragraph (a) of Section 8 of Chapter 24, of the Statutes passed in the 56th year of Her Majesty's reign, being "An Act to amend The Assessment Act," is hereby amended by adding thereto the following paragraphs:—

Business tax.

(aa). In the case of business premises occupied by barbers, blacksmiths, carpenters, photographers, feed and sale stable-keepers and all other mechanics, artisans or workmen who do not carry stocks of over two hundred dollars in value, the capitalization mentioned shall be such as will produce a sum computed at the said preceding year's rate, which shall equal six and two-thirds per centum of the yearly value of the premises so occupied instead of ten per centum. In the case of retail merchants the said capitalization shall be such as will produce a sum computed at the preceding year's rate, which shall equal eight and one-third per cent. of the yearly value of the premises so occupied instead of ten per centum.

(aaa). In the case of barbers who maintain one or more bathrooms in connection with their business, a deduction from the foregoing capitalization shall be made in the proportion which the floor space of such bathrooms bears to the whole floor space of the premises occupied by such barber; provided that in no case shall more than sixty square feet be computed as the area of any one bathroom.

56 v. c. 24, s. 8,  
paragraph (e)  
amended.  
Computation of business tax

9. Paragraph (e) of Section 8 of Chapter 24 of the Statutes passed in the fifty-sixth year of Her Majesty's reign, is hereby amended by striking out the figures

"\$3.75" in the third line thereof and by substituting therefor the figures "\$2.50." in cases of hotels and restaurants.

**10.** Section 5 of Chapter 21 of the Statutes passed in the 57th year of Her present Majesty's reign, being "An Act to amend the Assessment Act," is hereby amended by repealing paragraph (a) thereof, and by substituting therefor the following: 57 Vic. c. 21, s. 5, paragraph (a) repealed and paragraph substituted.

(a). If the land be not redeemed within a period of two years from the day of sale, as allowed by said Chapter 101, the Treasurer of the Municipality shall, within three months after the expiration of said two years, forward to the District Registrar of the Land Titles District in which the Municipality lies, a list certified under his hand and official seal, showing all lands which were sold at that sale, and have not been redeemed; the persons to whom sold, and the persons (if any) to whom the tax-sale certificates have been assigned; the amount for which the lands were sold; the amount of taxes and the costs for which the lands were sold; the taxes paid by the purchaser or his assigns since the sale, and the amount required to redeem each parcel of such lands. Municipal treasurers to forward to the District Registrar list of unredeemed lands sold for taxes.

**11.** Paragraph (c) of said Section 5 is hereby amended by striking out all the words after the word "sale" in the fifth line thereof, and by substituting therefor the words, "and such application shall in all respects be deemed to be and shall be dealt with by the District Registrar as an application to bring land under "The Real Property Act," or for a transmission under said Act, as the case may be; if the tax purchaser or his assign fail to make his application within one year as aforesaid, he shall forfeit all claim to said lands, or such part thereof as may not be applied for, as well as to the amount paid thereon at the time of the sale or for subsequent taxes, and said land, or such part thereof as aforesaid, shall thereupon cease to be affected by said sale, as if it had been duly redeemed." Paragraph (c) of said sec. 5 amended. Issue of certificates of title to tax purchasers.

**12.** Paragraph (d) of said Section 5 is hereby amended by striking out all the words from and including the word "the" in the first line down to and including the word "within" in the third line, and by substituting therefor the words "any parcel of land included in the list referred to in paragraph (a) hereof, may at any time before or after such application is made, and up to the expiration of;" also by striking out all the words after the word "redeem" in the fifth line thereof down to and including the word "thereof" in the sixth line, and by substituting therefor the words "such parcel of land;" and also by striking Paragraph (d) of said sec. 5 amended. Redemption of lands.



out the word "conveyance" in the eleventh and twelfth lines, and by substituting therefor the words "certificate of title."

Paragraph (f) of said sec. 5. amended.

Application of redemption money.

**13.** Paragraph (f) of said Section 5 is hereby amended by striking out the words "applicant for a conveyance or his assigns" in the fourth line, and by substituting therefor the words "tax purchaser or the assignee of the tax sale certificate;" and by adding at the end of said paragraph (f), "and no payment over of any redemption money shall be made by the District Registrar unless and until the purchaser or person applying for such redemption money shall produce and surrender to the District Registrar, the original certificate of purchase under this Act, provided that in case of the loss of any certificate the redemption money may be paid over on security being given satisfactory to the Attorney-General for Manitoba."

Paragraph (g) of said sec. 5 amended.

Operation of certificate of title to tax purchaser.

**14.** Paragraph (g) of said Section 5 is hereby amended by adding at the end thereof, "and thereafter no person except the tax purchaser, or those claiming through or under him shall be deemed to be rightly entitled to the land included in such certificate of title or to any part thereof, or to any interest therein or lien thereon, whose rights in respect thereof accrued, or commenced to accrue prior to the issue of such certificate of title; and in any action brought against a District Registrar for damages under "The Real Property Act," by any such person claiming to have been so rightly entitled prior to the issue of such certificate of title, and who has not been served with notice under this Act, or "The Real Property Act," of the application for a certificate of title, it shall be incumbent upon such person to prove that the land was improperly sold for taxes, and that such tax sale as regards such land was or should be declared to be void."

Paragraphs (l) and (m) added to said sec. 5.

**15.** Said Section 5 of the said Act is hereby further amended by adding thereto the following paragraphs:

Municipalities may obtain certificates of title.

(l). In all cases in which a municipality is the purchaser, the municipality may apply for a certificate of title under this Act, and may include any number of parcels in one application.

Fees where value of property does not exceed \$100.

(m). In all cases of application by a tax purchaser for a certificate of title of lands sold for taxes, in which the value of the parcel or parcels of land in the application does not exceed the sum of one hundred dollars, the total fees payable to the District Registrar, including contribution to

Assurance Fund and all other fees, shall not exceed two dollars and a half.

**16.** Paragraph (k) of said Section 5 is hereby repealed and the following substituted therefor :

Paragraph (k) of said sec. 5 repealed and paragraph substituted.

(k). When a Municipality does not lie wholly within one Land Titles District, the Treasurer shall forward to the District Registrar of each District, within which the Municipality lies, a list covering only the lands sold within each such District; if the Municipality lies partly within one or more Land Titles Districts and partly within a Registration Division not yet brought into any Land Titles District, he shall forward to the proper District Registrar a list covering only the lands sold in his District and to the District Registrar for Winnipeg, a list covering the balance of lands so sold. This paragraph shall also apply to the statement referred to in Section 141 as re-enacted of the Assessment Act.

Statement where Municipality is in more than one District.

**17.** Section 24 of Chapter 34 of the Statutes passed in the 58th and 59th years of Her Majesty's reign, is hereby repealed.

58-59 v. c. 34, s. 24 as to assessment of barber shops, repealed.

**18.** Whereas doubts have arisen as to the legality of certain tax sales of lands held by the Rural Municipality of Winchester on the 11th day of July, A.D. 1893, and on the twenty-ninth day of October, A.D. 1895, and it is desirable to remove all doubts in respect of the same ;

Certain tax sales of Winchester validated.

It is therefore declared that all proceedings and acts taken and done by the said Rural Municipality and the officers thereof in and prior to said sales for taxes, including the making up and authentication of the tax sale lists, the warrants or authorities to the Treasurer to sell, the advertising and the sale thereof and also the resolutions and by-laws and all other matters and things requisite and necessary for the proper and legal sale of said lands are hereby legalized and confirmed and declared to be legal, valid and binding as fully to all intents and purposes as if the said tax sale lists, warrants, advertisements, resolutions, by-laws and sale had been prepared, executed, made, passed, held and authenticated with strict regard to and in accordance with the various statutory provisions, requirements and powers relevant thereto or vested in said council or officials.

Provided that this section shall not affect or apply to any act, transaction, matter or thing which has been brought in question in any Court or Lands Titles Office in

this Province, or which shall be so brought in question within two months after the coming into force of this Act.

Commence-  
ment of Act.

**19.** This Act shall come into force on the day it is assented to.

## CHAPTER 17.

An Act to amend "The Municipal Boundaries Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

R. S. M. c. 102,  
s. 27 amended.

Territory  
added to  
Macdonald.

**1.** Section 27 of Chapter 102 of the Revised Statutes of Manitoba, is hereby amended by adding immediately after the word "River" in the seventh line thereof the words "and Townships numbered seven, eight and nine in ranges one and two west."

Section 39  
amended.  
Territory  
taken from St.  
François  
Xavier.

**2.** Section 39 of said Act is hereby amended by striking out the word "seven" in the second line thereof and substituting the word "ten" therefor.

Election and  
wards in  
Macdonald.

**3.** It is further enacted that the Lieutenant-Governor-in-Council may by order-in-council:

(a) Divide the territory into wards, which shall at the coming into force of this Act, constitute the Rural Municipality of Macdonald.

(b) Provide for the election of a Reeve and Councillors for all of such of the wards so to be formed as aforesaid as may be desirable. Such elections to be conducted in the same manner as elections under The Municipal Act, and the last revised voters' list or lists for the territory concerned to be used.

Proclamation  
to bring Act  
into force.

**4.** This Act shall come into force on Proclamation by the Lieutenant-Governor-in-Council.

## CHAPTER 18.

## An Act to amend "The Municipal Boundaries Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

**1.** Section 66 of Chapter 102 of the Revised Statutes of R. S. M. c. 102, s. 66 amended. Manitoba, being "The Municipal Boundaries Act," is hereby amended by striking out the word "six," in the Certain territory taken from Morton. second line thereof and substituting therefor the word "four."

**2.** The Rural Municipality of Whitewater shall comprise Whitewater. Townships 5 and 6 both inclusive in Ranges numbered 19, 20 and 21 West.

**3.** Section 79 of said Chapter 102 is hereby repealed and the following substituted therefor: Section 79 repealed and section substituted.

**79.** The Rural Municipality of Turtle Mountain shall comprise Turtle Mountain. Townships 1 and 2 in Range 15 West, Sections from 1 to 22, both inclusive, and sections from 29 to 32, both inclusive, all in Township 3, Range 15, West, Sections 6 and 7 in Township 4, in Range 15, West, and Townships 1, 2 and 3 in Ranges 16, 17 and 18 West.

**4.** Section 82 of said Chapter 102 is hereby amended by Section 82 amended. Certain territory taken from Winchester. striking out the word "six," in the second line thereof and substituting therefor the word "four."

**5.** The Rural Municipality of Cameron shall comprise Cameron. Townships numbered 5 and 6, both inclusive in Ranges numbered 22 to 25 West, both inclusive.

**6.** The Rural Municipality of Riverside shall comprise Riverside. those portions of Townships 4 and 5 lying South and West of Pelican Lake, in Range 16, West, and Townships 4, 5 and 6, West, in Ranges 17 and 18, West.

**7.** The Lieutenant-Governor-in-Council may by order in Elections and wards in new Municipalities. Council:

(1.) Divide the Municipalities formed by this amending Act into wards, and declare the number of councillors which shall be elected, according to the provisions of The Municipal Act;

(2.) Appoint Returning Officers for the said Municipalities to act at the first election of Reeves and Councillors in the said Municipalities ;

(3.) Provide for all necessary proceedings in order to the proper holding of such election ;

(4.) Provide that the last revised Municipal list of electors for the respective territory comprised in each of the said Municipalities shall be used at said election.

Proclamation  
to bring Act  
into force.

8. This Act shall come into force upon Proclamation of the Lieutenant-Governor-in-Council.

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## CHAPTER 19.

### An Act to amend "The Municipal Hail Insurance Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

58 & 59 V. c. 37,  
s. 3 amended.

Rate per acre  
for hail insur-  
ance purposes  
not to exceed  
one cent.

1. Section 3 of Chapter 37 of 58 and 59 Victoria, being "The Municipal Hail Insurance Act," is hereby amended by striking out the words "five mills" in the third line of said section, and by substituting therefor the words "one cent."

Commence-  
ment of Act.

2. This Act shall come into force on the day it is assented to.

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## CHAPTER 20.

## An Act to amend "The Public Parks Act."

*(Assented to 19th March, 1896.)*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

1. Section 41 of Chapter 31 of the Statutes passed in the 55 Vic. c. 31, s. 41 amended by adding sub-sections.

55th year of Her Majesty's reign, being "The Public Parks Act," is hereby amended by adding thereto the following sub-sections:—

(3.) In the case of the whole or part of any street, avenue <sup>Boulevarding,</sup> or public place, the Council of the City may, by resolution, place the control of boulevarding, tree planting and other improvements under the authority of the Board, and the latter, upon a petition signed by one-half the owners of property to be benefited, representing at least one-half in value of such property, being presented to the Board, asking for the boulevarding of any street, alley, or public ground, the planting of trees, or the making of any other improvement thereon within the scope of this Act, the Board may then cause such improvements to be made, and shall report the cost of such work to the Council of the City or Town, who shall assess and levy the cost thereof by by-law upon the property abutting upon such street, alley or public ground, extending such assessment over a period not exceeding seven years, with interest at not exceeding five per cent. per annum upon the deferred payments sinking fund at four per cent., and making such assessments as provided by the local improvement clauses of "The Municipal Act."

(4.) The Board may, without the receipt of a petition, <sup>Initiation of work without petition.</sup> initiate any such work by notice in the manner and with the effect of Section 509 and subsequent sections of "The Municipal Act."

(5.) The Board may also maintain and protect such <sup>Maintenance of boulevards,</sup> boulevards, and protect and replace any trees and other improvements upon such streets, avenues or public places, or any parts thereof, and upon reporting the cost thereof, and a list of the properties benefited, showing the cost to be respectively charged to each property, to the Council of the City or Town, the latter shall direct the cost of same so

shown to be entered in the collector's roll prepared next after the receipt of such report, and the same shall be collected with the ordinary Municipal taxes.

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## CHAPTER 21.

### An Act to Incorporate the Portage la Prairie General Hospital,

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

**Incorporators.** 1. John Gunion Rutherford, Wilson Bell, Edward Brown, Thomas Sissons, Hugh S. Paterson, Daniel McLean, Arthur E. Cox, Gideon B. Housser, Richard S. Thomson, John R. McDonald, William T. Muir, William Fulton, George H. Webster, William W. Miller, William C. Graham and such other persons as may from time to time become members of the said Corporation in the manner hereinafter provided shall be and are hereby constituted a body politic and corporate by and under the name of "The Portage la Prairie General Hospital."

**Corporate name.**

**Powers.** 2. The said Corporation shall have perpetual succession and a common seal and may from time to time and at all times purchase, acquire, receive, accept, build, hold, possess, enjoy, mortgage, sell, dispose of and convey for them and their successors any lands, tenements and hereditaments and real and moveable property and estate together with such grants, devises, gifts and bequests as may be made by any Government, Corporation, person or persons whatsoever for the sole use or benefit of a hospital.

**Directors.** 3. The affairs of the said Corporation shall be managed by a Board of Directors consisting of fifteen members and the Reeve of the Rural Municipality of Portage la Prairie and the Mayor of the Town of Portage la Prairie for the time being respectively and such other directors as may be appointed in manner hereinafter provided.

4. In case any benevolent society or any municipality <sup>Ex-officio directors.</sup> except the Rural Municipality of Portage la Prairie and the Town of Portage la Prairie, shall contribute in any one year, a sum not less than one hundred dollars, the chief officer of any such society or reeve of any such municipality shall be *ex officio* a member of said Board of Directors.

5. The Board of Directors shall every year at their <sup>Chairman, secretary and treasurer.</sup> first meeting after election appoint from among their number a chairman, a secretary and a treasurer.

6. The said Board of Directors shall have power to <sup>Quorum.</sup> meet from time to time for the transaction of the affairs of the said Corporation, of whom seven shall form a quorum; and in the absence of the chairman or secretary, any director present may be appointed for the time being to act as such chairman or secretary.

7. The said Board of Directors shall have power to <sup>By-laws.</sup> make by-laws, rules and regulations not being contrary to law or to the provisions of this Act for all purposes relating to and bearing on the government, well being and interests of the said Corporation, and power to amend or repeal the same from time to time.

8. In addition to the life members all annual subscribers <sup>Members.</sup> who shall pay such sum as may be fixed by the by-laws of the said Board of Directors, and whose names shall appear in a book kept for that purpose, shall be members of said Corporation, and shall have the right to take part in the annual meeting of the said Corporation.

9. A donation of not less than one hundred dollars in any <sup>Life members.</sup> year by any person shall entitle the donor to life membership.

10. All life members and all members who shall have <sup>Qualification of directors.</sup> paid the annual subscription fee as provided for in section eight shall be eligible for election as directors.

11. There shall be a general annual meeting of the <sup>Annual meeting.</sup> members of the said Corporation on the first Monday of February in each year at an hour and place to be named by the Directors, and notice thereof shall be given by the Secretary in one or more of the daily newspapers, at least fourteen days previous to the day of such meeting.

12. If from any cause such general meeting shall not <sup>Case of annual meeting not being held.</sup> be held on the first Monday in February in any year the



directors and officers of the said Corporation then in office shall continue in office until such general annual meeting is held and their successors duly appointed as hereinafter provided.

Case of annual meeting not being held.

**13.** If such general annual meeting shall from any cause not be held on the day hereinbefore appointed, the directors then in office shall decide upon another day for the holding of a general annual meeting, which day shall be within one month after the time when the same should have been held, and such meeting shall be called in the same manner as if it had been called upon the proper day, and at such meeting all business may be transacted and all things done in the same manner as the same might have been transacted and done if such meeting had been held on the day aforesaid.

Annual report of directors.

**14.** A full report shall be submitted by the directors to said general meeting for its consideration and approval, showing the condition of the affairs of said Corporation, including the treasurer's report, the steward's report, receipts, disbursements and all other matters bearing on the interest of the said corporation, also a list showing the names of members.

Election of directors.

**15.** The members present at the annual meeting shall proceed to elect the directors for the ensuing year by ballot, and the fifteen members receiving the highest number of votes, together with the Mayor for the time being of the Town of Portage la Prairie, and the Reeve for the time being of the Rural Municipality of Portage la Prairie and such other person or persons as shall be entitled or appointed under section four hereof, shall be the directors for the ensuing year.

Auditor.

**16.** The said general meeting shall elect one auditor for the ensuing year, and the Board of Directors at their first meeting thereafter shall also appoint one auditor, and it shall be the duty of the said auditors to examine and report upon all accounts affecting the said Corporation, or relating to any matter under its control or within its jurisdiction, for the year previous, and they shall prepare an abstract of the receipts, expenditures and liabilities of the Corporation, and shall submit the same to the Directors on or before the seventh day of January in each year.

Annual return to Department of Agriculture.

**17.** It shall be the duty of the said Corporation, on or before the 25th day of January in each year, to transmit to the Department of Agriculture and Immigration a return

of the affairs of such Corporation, showing in detail the assets and liabilities, and the number of sick persons received and attended to during the preceding year in the said general hospital, and to give with or in such return, or in any other return which the Lieutenant-Governor-in-Council shall, and is hereby authorized to ask for, and receive at any other time such other information in regard to the management and affairs of the said Corporation as may be required by the said Lieutenant-Governor-in-Council.

**18.** This Act shall be deemed a public Act.

Act deemed  
Public Act.

**19.** This Act shall come into force on the day it is assented to.

Commence-  
ment of Act.

## CHAPTER 22.

An Act to amend "The Public Health Act."

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

**1.** Section 3 of Chapter 28 of 56 Victoria, being "The Public Health Act" is hereby amended by adding at the end thereof the following, "and also a suitable and competent person as Provincial Bacteriologist, who shall, when appointed, be under the direction of the Board and perform such duties as may be assigned to him by the Lieutenant-Governor-in-Council or the Board."

56 V. c. 28, s. 3  
amended.

Appointment  
of Bacterio-  
logist.

**2.** Section 5 of said Chapter 28 is hereby amended by adding after the word "secretary" in the first line thereof, the words "and Provincial Bacteriologist."

Section 5  
amended.

Remuneration  
of Bacterio-  
logist.

**3.** Section 35 of said Chapter 28 is hereby amended by adding thereto the following sub-section:

Section 35  
amended.

(2.) The council of the City of Winnipeg shall also have power to appoint a registered medical practitioner to act as a deputy health officer, who, in the absence, illness or other

Winnipeg  
may appoint  
Deputy Health  
Officer.

incapacity, or at the request of the health officer, may act with all the power of the health officer, and may receive such remuneration as the council may determine.

Section 74 amended.

Buildings exposed to infection may be destroyed.

4. Section 74 of said Chapter 28 is hereby amended by striking out the word "or" where it occurs in the third and sixth lines of the said section, and also where it occurs in the third and seventh lines of the second sub-section of said section, and by inserting the words "or building" after the word "property" where it occurs in the said third and sixth lines of said section, and in the said third and seventh lines of said second sub-section.

Sec. 99, paragraph (b) amended. Payment of compensation when building destroyed.

5. Paragraph (b) of Section 99 of said Chapter 28, is hereby amended by inserting after the word "goods" in the third line of said paragraph (b) the words "or building."

Retroactive operation of sections 4 and 5 hereof.

6. Sections four and five of this Act shall have force and effect in every respect as if enacted on the first day of January, 1894.

## CHAPTER 23.

### An Act to amend "The Public Schools Act."

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

R. S. M. c. 127 s. 2, paragraph (e) repealed and paragraph substituted.

1. Section 2 of Chapter 127 of the Revised Statutes of Manitoba being "The Public Schools Act" is hereby amended by repealing paragraph (e) thereof and substituting therefor the following:

"Ratepayer," interpretation of term.

(e) The expression "ratepayer" means any person appearing on the last revised municipal list of electors, as entitled to vote in respect of property situate within the school district, and entitled to vote at a municipal election in the municipality in which such property is situate.

Sections 16 and 17 repealed and sections substituted.

2. Sections 16 and 17 of said Chapter 127 are hereby repealed and the following substituted therefor:—

16. In rural school districts every ratepayer shall be entitled to vote at any election for school trustee or at any school meeting except as hereinafter provided.

Who entitled to vote.

17. If objection is made to the right of any person to vote, as in the next preceding section provided, the chairman or returning officer may require the person whose vote is objected to, to take the oath provided for by Section 118 of the Municipal Act. Any person refusing to take the said oath shall not be permitted to vote.

Oath to be taken when right to vote objected to.

3. Paragraph (n) of Section 47 of said Chapter 127, as enacted by Section 2 of Chapter 35 of 55 Victoria, is hereby amended by striking out the words "fifty cents" in the fourth line of said paragraph (n), and by substituting the words "one dollar," and by inserting at the end of said paragraph the words :—"The said pupils, their parents and guardians, shall be jointly and severally liable for said sum."

Section 47, paragraph (n) amended.  
School fees.

4. Sub-section 2 of Section 115 of said Chapter 127, as enacted by Section 3 of Chapter 28 of 57 Victoria, is hereby amended by striking out the words "and two" in the fourth line thereof, and the words "and four" in the sixth and seventh lines thereof.

Section 115, sub-section 2 amended.  
Six and twelve months for purposes of legislative grant to consist of 100 and 200 teaching days respectively.

5. Said Chapter 127 is hereby amended by adding thereto immediately after Section 148 thereof, the following section :

Section 148a added.

148-a. The trustees of any school district shall have full power to pass by-laws authorizing the giving, issuing and disposing of debentures for the purpose of raising money by way of loan, in order to take up or pay off debentures previously issued by the trustees of the school district under a by-law or by-laws duly passed pursuant to the provisions of this Act.

Trustees empowered to renew debenture loans.

(2). Such by-laws shall be valid and binding without the assent of the ratepayers, but shall in all other respects conform to the provisions of this Act.

Assent of rate-payers not necessary.

6. Section 142 of the said Chapter 127 is hereby repealed.

Section 142 limiting annual rate in certain cases repealed.

7. The Department of Education shall have power to prescribe the hours in the day which shall be held to be school hours. Regulations respecting school hours under this section need not be of uniform application to all schools or for all periods of the year except so stated in the regulations.

School hours.

## CHAPTER 24.

## An Act to amend "The Real Property Act."

(Assented to 19th March, 1896.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

R. S. M. c. 188,  
s. 49 repealed  
and section  
substituted.

1. Section 49 of Chapter 133 of the Revised Statutes of Manitoba, being "The Real Property Act," is hereby repealed and the following substituted therefor:—

Application  
for certificate  
of title where  
land sold for  
taxes.

49. In the case of applications under tax sales the District Registrar shall not take notice of any irregularity in the tax sale or in any of the proceedings relating thereto, or enquire into the regularity of the tax sale proceedings or any proceedings prior to or having relation to the assessment of the land, but a certificate from the Treasurer of the Municipality shall be furnished, showing the years for which there were taxes due and in arrears for which the lands were sold at such sale, and the District Registrar shall, where practicable, procure an affidavit or statutory declaration from the Treasurer or other person who held such sale, stating that the same was fairly and openly conducted, and he shall also cause to be served upon all persons appearing to be the persons, who other than the tax purchaser or his assigns, are interested in such lands, a notice, requiring them within the time limited by such notice, to contest the claim of the tax purchaser, or in case of a sale since the second day of March, 1894, to redeem the land as required by "The Assessment Act," and in default of a caveat or certificate of *lis pendens* being filed within the time so limited, or before the registration as owner of the person entitled under such tax sale, or in default of such redemption, all persons so served with notice shall be forever estopped and debarred from setting up any claim to or in respect of the land so sold for taxes, and the District Registrar shall register the person entitled under such tax sale as owner of the land so sold for taxes.

Section 88  
amended.

2. Section 88 of said Chapter 133 is hereby amended by striking out the word "deed" in the third and ninth lines thereof, and by substituting therefor the word "sale."

Commence-  
ment of Act.

3. This Act shall come into force on the day it is assented to.

## CHAPTER 25.

An Act for codifying the Law relating to the Sale of Goods.

(Assented to 19th March, 1896.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

## PART I.

## FORMATION OF THE CONTRACT.

*Contract of Sale.*

1. (1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part owner and another.

Sale and agreement to sell.

(2) A contract of sale may be absolute or conditional.

(3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called a sale; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

2. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Capacity to buy and sell.

Provided that where necessities are sold and delivered to an infant, or minor, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or minor or other person, and to his actual requirements at the time of the sale and delivery.

## FORMALITIES OF THE CONTRACT.

Contract of  
sale, how  
made.

**3.** Subject to the provisions of this Act and of any statute in that behalf, a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties.

Provided that nothing in this section shall affect the law relating to corporations.

Contract of  
sale of fifty  
dollars and  
upwards.

**4.** (1) A contract for the sale of any goods of the value of fifty dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

(3) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognizes a pre-existing contract of sale, whether there be an acceptance in performance of the contract or not.

## SUBJECT MATTER OF CONTRACT.

Existing or  
future goods.

**5.** (1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Act called "future goods."

(2) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

**6.** Where there is a contract for the sale of specific goods, and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void. Goods which have perished.

**7.** Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided. Goods perishing before sale but after agreement to sell.

### THE PRICE.

**8.** (1) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties. Ascertainment of price.

(2) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

**9.** (1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation, the agreement is avoided; provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor. Agreement to sell at a valuation.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

### CONDITIONS AND WARRANTIES.

**10.** (1) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract. Stipulations as to time.

(2) In a contract of sale "month" means *prima facie* calendar month.

**11.** (1) (a) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive When condition to be treated as warranty.



the condition, or may elect to treat the breach of such condition as a breach of warranty, and not as a ground for treating the contract as repudiated :

(b) Whether a stipulation in a contract of sale is a condition, the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract :

(c) Where a contract of sale is not severable, and the buyer has accepted the goods, or part thereof, or where the contract is for specific goods, the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term of the contract, express or implied, to that effect.

(2) Nothing in this section shall affect the case of any condition or warranty, fulfillment of which is excused by law by reason of impossibility or otherwise.

Implied undertaking as to title, &c.

**12.** In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

(1) An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass :

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods :

(3) An implied warranty that the goods shall be free from any charge or encumbrance in favor of any third party, not declared or known to the buyer before or at the time when the contract is made.

Sale by description.

**13.** Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description; and if the sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

**14.** Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:—

Implied conditions as to quality or fitness.

(a) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose, provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose:

(b) Where goods are bought by description from the seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed:

(c) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade:

(d) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.

#### SALE BY SAMPLE.

**15.** (1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.

Sale by sample.

(2) In the case of a contract for sale by sample:

(a) There is an implied condition that the bulk shall correspond with the sample in quality:

(b.) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample:

(c.) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

## PART II.

### EFFECTS OF THE CONTRACT.

#### *Transfer of Property as between Seller and Buyer.*

Goods must be ascertained.

**16.** Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained.

Property passes when intended to pass.

**17.** (1) Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2.) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties, and the circumstances of the case.

Rules for ascertaining intention.

**18.** Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

**Rule 1.** Where there is an unconditional contract for the sale of specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery, or both, be postponed.

**Rule 2.** Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done, and the buyer has notice thereof.

**Rule 3.** Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test, or do some other act or thing with

reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done, and the buyer has notice thereof.

Rule 4. When goods are delivered to the buyer on approval or "on sale or return" or other similar terms the property therein passes to the buyer :—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction :

(b) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 5. (1.) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made :

(2.) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

19. (1) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

Reservation of  
right of  
disposal.

(2.) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(3.) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

Risk prima  
facie passes  
with property

**20.** Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not.

Provided that where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

#### TRANSFER OF TITLE.

Sale by person  
not the owner.

**21.** (1) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Provided also that nothing in this Act shall affect :—

(a) The provisions of any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof ;

(b) The validity of any contract of sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Sale under  
voidable title.

**22.** When the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

**23.** (1.) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen reverts in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them. Revesting of property in stolen goods on conviction of offender.

(2.) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to theft, the property in such goods shall not revert in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

**24.** (1.) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same. Seller or buyer in possession after sale.

(2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3) In this section the term "mercantile agent" means a mercantile agent having in the customary course of his business as such agent, authority either to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods.

## PART III.

## PERFORMANCE OF THE CONTRACT.

Duties of seller  
and buyer.

**25.** It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Payment and  
delivery are  
concurrent  
conditions.

**26.** Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Rules as to  
delivery.

**27.** (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied between the parties. Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he have one, and if not, his residence; provided that, if the contract be for the sale of specific goods, which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

(2) Where under the contract of sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf; provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Delivery of  
wrong  
quantity.

**28.** (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties or in any particular trade or business.

**29.** (1) Unless otherwise agreed, the buyer of goods is <sup>instalment deliveries.</sup> not bound to accept delivery thereof by instalments.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case, whether the breach of contract is a repudiation of the whole contract or whether it is a severable breach giving rise to a claim for compensation, but not to a right to treat the whole contract as repudiated.

**30.** (1) Where, in pursuance of a contract of sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is *prima facie* deemed to be a delivery of the goods to the buyer <sup>Delivery to carrier.</sup>

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea, lake or



river transit, under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea, lake or river transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such sea, lake or river transit.

Risk where goods are delivered at distant place.

**31.** Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

Buyer's right of examining the goods.

**32.** (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

Acceptance.

**33.** The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Buyer not bound to return rejected goods.

**34.** Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

Liability of buyer for neglecting or refusing delivery of goods.

**35.** When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. Provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

## PART IV.

## RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

**36.** (1) The seller of goods is deemed to be an “unpaid <sup>Unpaid seller defined.</sup> seller” within the meaning of this Act—

(a) When the whole of the price has not been paid or tendered;

(b.) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonor of the instrument or otherwise.

(2.) In this part of this Act the term “seller” includes any person who is in the position of a seller, as, for instance, an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price.

**37.** (1.) Subject to the provisions of this Act, and of <sup>Unpaid seller's rights.</sup> any statute in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law--

(a.) A lien on the goods or right to retain them for the price while he is in possession of them ;

(b.) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them ;

(c.) A right of re-sale limited by this Act.

(2.) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

## UNPAID SELLER'S LIEN.

**38.** (1) Subject to the provisions of this Act, the un- <sup>Seller's lien.</sup> paid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely :

(a.) Where the goods have been sold without any stipulation as to credit ;

(b.) Where the goods have been sold on credit, but the term of credit has expired ;

(c.) Where the buyer becomes insolvent.

(2.) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Part delivery.

**39.** Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien or retention on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien or right of retention.

Termination of lien.

**40.** (1.) The unpaid seller of goods loses his lien or right of retention thereon :—

(a.) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods ;

(b.) When the buyer or his agent lawfully obtains possession of the goods ;

(c.) By waiver thereof.

(2.) The unpaid seller of goods, having a lien or right of retention thereon, does not lose his lien or right of retention by reason only that he has obtained judgment or decree for the price of the goods.

#### STOPPAGE IN TRANSITU.

Right of stoppage in transitu

**41.** Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

Duration of transit.

**42.** (1.) Goods are deemed to be in course of transit from the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to

the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee.

(2.) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3.) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer, or his agent, that he holds the goods on his behalf and continues in possession of them as bailee for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4.) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, the transit is not deemed to be at an end, even if the seller has refused to receive them back.

(5.) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case, whether they are in possession of the master as a carrier, or as agent to the buyer.

(6.) Where the carrier or other bailee, wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf, the transit is deemed to be at an end.

(7.) Where part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement to give up possession of the whole of the goods.

**43.** (1.) The unpaid seller may exercise his right of stoppage in transitu either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods, or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

How stoppage  
in transitu is  
effected.

(2.) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must re-deliver the goods to, or according to the

directions of, the seller. The expenses of such re-delivery must be borne by the seller.

#### RE-SALE BY BUYER OR SELLER.

Effect of sub-sale or pledge by buyer.

**44.** Subject to the provisions of this Act, the unpaid seller's right of lien or retention or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last mentioned transfer was by way of sale the unpaid seller's right of lien or retention or stoppage in transitu is defeated, and if such last mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage in transitu can only be exercised subject to the rights of the transferee.

Sale not generally rescinded by lien or stoppage in transitu.

**45. (1.)** Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transitu.

(2.) Where an unpaid seller who has exercised his right of lien or retention or stoppage in transitu re-sells the goods, the buyer acquires a good title thereto as against the original buyer.

(3.) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to re-sell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may re-sell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4.) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

## PART V.

## ACTIONS FOR BREACH OF THE CONTRACT.

*Remedies of the Seller.*

**46.** (1) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods. Action for price.

(2) Where, under a contract of sale, the price is payable on a day certain irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract.

**47.** (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance. Damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

## REMEDIES OF THE BUYER.

**48.** (1) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery. Damages for non-delivery.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Specific performance.

**49.** In any action for breach of contract to deliver specific or ascertained goods the Court may, if it thinks fit, on the application of the plaintiff, by its judgment or decree direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise, as to the Court may seem just, and the application by the plaintiff may be made at any time before judgment or decree.

Remedy for breach of warranty.

**50.** (1) Where there is a breach of warranty by the seller, or where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods, but he may—

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

Interest and special damages.

**51.** Nothing in this Act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

## PART VI.

## SUPPLEMENTARY.

**52.** Where any right, duty, or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage be such as to bind both parties to the contract. Exclusion of implied terms and conditions

**53.** Where, by this Act, any reference is made to a reasonable time the question what is a reasonable time is a question of fact. Reasonable time a question of fact.

**54.** Where any right, duty, or liability is declared by this Act, it may, unless otherwise by this Act provided, be enforced by action. Rights, &c., enforceable by action.

**55.** In the case of a sale by auction :—

Auction sales.

(1) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale :

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid :

(3) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person ; any sale contravening this rule may be treated as fraudulent by the buyer :

(4) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

Where a right to bid is expressly reserved, but not otherwise, the seller, or any one person on his behalf, may bid at the auction.

**56.** The enactments mentioned in the schedule to this Act are hereby repealed, so far as the Legislature of the Province of Manitoba has power to repeal the same, as from the coming into force of this Act, to the extent in that schedule mentioned. Repeal.



Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the coming into force of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

**Savings.**

**57.** (1.) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress or coercion, mistake, or other invalidating cause, shall continue to apply to contracts for the sale of goods.

(2.) Nothing in this Act or in any repeal effected thereby shall affect the enactments relating to bills of sale or chattel mortgages, or any enactment relating to the sale of goods which is not expressly repealed by this Act.

(3.) The provisions of this Act relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge, or other security.

**Interpretation  
of terms.**

**58.** (1.) In this Act, unless the context or subject matter otherwise requires :—

“ Action ” includes counter-claim and set-off ;

“ Buyer ” means a person who buys or agrees to buy goods ;

“ Contract of sale ” includes an agreement to sell as well as a sale ;

“ Delivery ” means voluntary transfer of possession from one person to another ;

“ Document of title to goods ” means any bill of lading, dock warrant, warehouse keeper's certificate, and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented ;

“ Fault ” means wrongful act or default ;

"Future goods" mean goods to be manufactured or acquired by the seller after the making of the contract of sale ;

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale ;

"Plaintiff" includes defendant counter-claiming ;

"Property" means the general property in goods, and not merely a special property ;

"Quality of goods" includes their state or condition ;

"Sale" includes a bargain and sale as well as a sale and delivery ;

"Seller" means a person who sells or agrees to sell goods ;

"Specific goods" mean goods identified and agreed upon at the time a contract of sale is made ;

"Warranty" means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated.

(2.) A thing is deemed to be done "in good faith" within the meaning of this Act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is deemed to be insolvent within the meaning of this Act who either has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due.

(4.) Goods are in a "deliverable state" within the meaning of this Act when they are in such a state that the buyer would under the contract be bound to take delivery of them.

**59.** This Act may be cited as "The Sale of Goods Act, Short title. 1896."

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## SCHEDULE.

This schedule is to be read as referring to the revised edition of the Imperial Statutes prepared under the direction of the Statute Law Committee.

## ENACTMENTS REPEALED.

Session and Chapter.	Title of Act and Extent of Repeal.
1. Jac. 1 c. 21. ....	An Act against Brokers. The whole Act.
29. Cha. 2 c. 3. ....	An Act for the prevention of frauds and perjuries. In part; that is to say, sections fifteen and sixteen. (Commonly cited as sections sixteen and seventeen.)
9 Geo. 4 c. 14. ....	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements. In part; that is to say, section seven.
19 and 20 Vict. c. 97.	The Mercantile Law Amendment Act, 1856. In part; that is to say, sections one and two.

## CHAPTER 26.

## An Act respecting Securities.

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

Bonds of  
Assurance  
Companies.

1. The Lieutenant-Governor-in-Council may, by Order-in-Council, direct that the bond or policy of guarantee of

any incorporated or joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of officers, servants or persons occupying positions of trust, or other like purposes, may be accepted in whole or in part in lieu of any bond, undertaking, recognizance, guarantee or other obligation required or permitted to be made, furnished, rendered or filed with surety or sureties by any law or statute in force in this Province or by any municipal by-law or the rules or or regulations of any board, body, organization or public officer or the order or practice of any Court or Judge in this Province; and such bond or policy of guarantee of any such company shall be in all respects, a full and complete compliance with every such law, statute, by-law, practice, order, rule or regulation. The provisions of every such law, statute, by-law, practice, order, rule or regulation under which such security is given, with reference to the legal effect of such securities when given by individuals, and to the mode of proceeding thereon, shall apply to the security given by every such company.

(2.) The interim receipt of the company may be accepted Interim receipts. in lieu of formal security, but the formal security shall be completed within two months from the issue of the interim receipt. If the formal security be completed after two months from the issue of the interim receipt it shall nevertheless be valid and binding, and the provisions of this Act shall apply thereto.

2. Any receiver, liquidator, assignee, guardian, committee, trustee, executor or administrator, required by law Expenses of such bonds may be allowed to receivers, trustees, et al. or by the order of any Court to give a bond as such, may include as a part of the lawful expense of executing his trust such reasonable sum, paid to a company authorized under the laws of this Province to give surety bonds for becoming his surety on such bond, as may be allowed by the Court in which he is required to account, not exceeding however, two per centum per annum on the amount of such bond.

3. It shall be lawful for any party of whom a bond or undertaking is required, to agree with his sureties for the deposit of any or all moneys and property for which such sureties are or may be held responsible, if such deposit is otherwise proper, for safe keeping with a safe deposit company, trust company or bank, authorized by law to do business as such, in such a manner as to prevent the withdrawal of such moneys and property, or any part thereof except with the written consent of such sureties or an order of the Court having jurisdiction over the matter made on such notice to them as it may direct. Deposit of trust moneys with safe deposit Companies.

Applications  
by sureties  
calling upon  
trustees to  
account.

4. The surety or representative of any surety upon the bond of any trustee, committee, guardian, assignee, liquidator, executor or administrator may apply by motion or petition to the Court of Queen's Bench or to the Court wherein said bond is directed to be filed, upon ten days notice to the principal, for an order requiring such trustee, committee, guardian, assignee, liquidator, executor or administrator to account and granting such surety relief from further liability as such surety for the acts or omissions of the trustee, committee, guardian, assignee, liquidator, executor or administrator and directing said principal to give a new bond.

(2.) Upon the return of such petition or motion said Court or a Judge thereof, upon being satisfied that the principal has had due notice thereof, may make an order directing said principal to account and furnish a new bond, and in the meantime may restrain such trustee, committee, guardian, assignee, liquidator, receiver, executor or administrator from acting except in such a manner as it may direct to preserve the trust estate.

(3.) Upon such trustee, committee, guardian, assignee, receiver, executor or administrator, accounting in due form of law and if the trust fund or estate upon said accounting shall be found or made good, and paid over or properly secured and upon a new bond duly approved being furnished, then such surety may be discharged from any and all further liability as such for the subsequent acts or omissions or defaults of the trustee, committee, guardian, assignee, liquidator, receiver, executor or administrator after the date of such surety being so relieved or discharged, and the said Court or a Judge thereof may make an order to that effect.

Costs.

5. The costs of all proceedings under this Act shall be in the discretion of the Court or a Judge thereof.

Publication of  
Orders-in-  
Council in  
Manitoba  
Gazette.

6. Every Order-in-Council under the provisions of this Act, shall, immediately after the making thereof, be published in the *Manitoba Gazette*.

Commence-  
ment of Act.

7. This Act shall come into force on the day it is assented to.

## CHAPTER 27.

An Act to make further provision for the payment of  
Succession Duties in certain cases.

*(Assented to 19th March, 1896.)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows :—

1. Section 4 of Chapter 31 of 56 Victoria, being "The <sup>56 v., c. 31, s. 4,</sup> Succession Duty Act," is hereby amended by adding there-<sup>amended.</sup> to the following sub-section :—

(5) Provided that any portion of the estate of any deceased person, whether at the time of his death such person was domiciled in the Province of Manitoba or was domiciled elsewhere, which is brought into the Province by the executors or administrators of the estate to be administered or distributed in this Province, shall be liable to the duty hereinbefore imposed ; but if any succession or legacy duty or tax has been paid upon such property elsewhere than in Manitoba, and such duty or tax is equal to or greater than the duty payable on property in this Province, no duty shall be payable thereon in this Province ; and if the duty or tax so paid elsewhere is less than the duty payable on property in this Province, then the property upon which such duty or tax has been paid elsewhere, shall be subject to the payment of such portion only of the succession duty provided for in the preceding sub-sections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Manitoba, and the duty or tax so paid elsewhere.

Duty on estate brought into the Province for administration.

2. This Act shall come into force on the day it is <sup>Commence-</sup> assented to. <sup>ment of Act.</sup>

## CHAPTER 28.

An Act for granting certain sums of money required for defraying certain expenses of the Civil Government of the Province, for the fiscal year ending the thirty-first day of December, one thousand eight hundred and ninety-six, and for other purposes connected with the Public Service.

(Assented to 19th March, 1896.)

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, it appears by message from his Honor the Honorable JAMES COLBROOKE PATTERSON, Lieutenant-Governor of the Province of Manitoba, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province and of the Public service thereof, and for other purposes, for the fiscal year ending on the thirty-first day of December, one thousand eight hundred and ninety-six.

May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, as follows :

Grant for year ending 31 Dec. 1896, not to exceed \$732,684.81.

1. From and out of the Consolidated Revenue Fund of the Province of Manitoba, there shall and may be applied a sum not exceeding in the whole the sum of seven hundred and thirty-two thousand, six hundred and eighty-four dollars and eighty-one cents (\$732,684.81) for defraying the several expenses of the Civil Government and the Public Service of this Province or otherwise, for the fiscal year ending on the thirty-first day of December, one thousand eight hundred and ninety-six, which are set forth in Schedule "A" annexed to this Act ; and for the expenses of Legislation, Public Institutions' maintenance, and for salaries of the officers of the Government and Civil Service, and other disbursements, for the months of January and February, one thousand eight hundred and ninety-seven, as set forth in Schedule "B" to this Act, and for other purposes therein mentioned.

Accounts to be submitted next session.

2. Accounts in detail of all moneys expended under the authority of this Act, shall be laid before the Legislative Assembly of this Province at the next Session thereof.

Application of moneys to be accounted for.

3. The due application of moneys expended under the authority of this Act, shall be accounted for in such a manner and form as shall be directed.

When Act shall come into force.

4. This Act shall come into force on the day it is assented to.

## SCHEDULE "A."

Sums granted to Her Majesty by this Act, for the year ending the thirty-first day of December, one thousand eight hundred and ninety-six, for purposes herein named.

	Amounts to be Voted.	Specially Authorized
<b>LEGISLATION.</b>		
Members .....	\$24850 00	
Salaries .....	4300 00	
Expenses .....	1050 00	
Printing, Binding, etc.....	4100 00	
Audit Office .....	2360 00	
Library and Museum.....	3170 00	
	<hr/> 39830 00	
<b>EXECUTIVE COUNCIL.</b>		
Salaries .....	2200 00	
Expenses.....	275 00	
Elections .....	32000 00	
	<hr/> 34475 00	
<b>TREASURY DEPARTMENT.</b>		
Salaries .....	6950 00	
Expenses .....	800 00	
Grants .....	500 00	
Miscellaneous .....	24000 00	
	<hr/> 32250 00	
Specially authorized .....		127898 69
<b>PROVINCIAL SECRETARY'S DEPARTMENT.</b>		
Salaries .....	5825 00	
Expenses .....	650 00	
Miscellaneous .....	2350 00	
	<hr/> 8825 00	
<i>Carried forward....</i>	<hr/> 115380 00	<hr/> 127898 69



	Amounts to be Voted.	Specially Authorized.
<i>Brought forward....</i>	115380 00	127898 69
<b>DEPARTMENT OF EDUCATION.</b>		
Grants.....	158600 00	
<b>DEPARTMENT OF AGRICULTURE AND IMMIGRATION.</b>		
Salaries .....	5800 00	
Expenses .....	750 00	
Agriculture and Statistics.....	29400 00	
Grants .....	29877 26	
Immigration .....	10500 00	
Miscellaneous .....	1300 00	
	<b>77627 26</b>	
<b>ATTORNEY-GENERAL'S DEPARTMENT.</b>		
Salaries .....	6670 00	
Expenses .....	900 00	
Land Titles Office Winnipeg....	22560 00	
"    "    P La P.....	9010 00	
"    "    Brandon.....	6700 00	
"    "    Morden.....	6175 00	
"    "    General.....	2600 00	
Queen's Bench .....	13550 00	
County Courts .....	6020 00	
Police Courts .....	1800 00	
Police .....	4300 00	
License .....	5350 00	
Court House Maintenance .....	750 00	
Jail Officers .....	7680 00	
Administration of Justice .....	24750 00	
General Unforeseen.....	3000 00	
	<b>121815 00</b>	
<b>PROVINCIAL LANDS DEPARTMENT.</b>		
Expenses and Inspection.....	2500 00	
Taxes.....	1250 00	
	<b>3750 00</b>	
<i>Carried forward....</i>	<b>477172 26</b>	<b>127898 69</b>

	Amounts to be Voted.	Specially Authorized
<i>Brought forward....</i>	477172 26	127898 69
<b>RAILWAY COMMISSIONER'S DEPARTMENT.</b>		
Salaries and Expenses.....	900 00	
Red River Valley Railway.....	2000 00	
Manitoba & N. W Railway ....	3000 00	
	<u>5900 00</u>	
<b>PUBLIC WORKS DEPARTMENT.</b>		
Salaries .....	7400 00	
Expenses .....	1000 00	
General Employes and Expenses	5400 00	
Maintenance Legislative and Departmental Buildings .....	4090 00	
Government House .....	759 00	
Maintenance Court Houses, Winnipeg .....	5790 00	
Maintenance Jail, Winnipeg ...	1220 00	
“ Court House and Jail, Brandon.....	2055 00	
Maintenance Court House and Jail, Portage la Prairie.....	1210 00	
Maintenance Land Titles Offices	2580 00	
Asylum for the Insane, Selkirk (Salaries) .....	11940 00	
Asylum for the Insane, Selkirk (Maintenance).....	19967 50	
Asylum for the Insane, Brandon (Salaries) .....	10690 00	
Asylum for the Insane, Brandon (Maintenance).....	18300 00	
Deaf and Dumb Institute, (Salaries) .....	5140 00	
Deaf and Dumb Institute, (Maintenance) .....	5090 00	
Home for Incurables (Salaries)..	5270 00	
<i>Carried forward....</i>	107901 50 483072 26	127898 69

	Amounts to be voted.	Specially Authorized
<i>Brought forward . . .</i>	107901 50 483072 26	127898 69
<b>PUBLIC WORKS DEPT.—Cont'd.</b>		
Home for Incurables (Maintenance) . . . . .	6145 00	
General Repairs and Improvements to Legislative Buildings (including furniture and furnishings) . . . . .	1500 00	
Government Buildings, Grounds, etc . . . . .	6000 00	
Land Titles Offices, (Construction, Equipment, etc.) . . . . .	500 00	
Asylum for the Insane, Selkirk, (Construction, Equipment, etc.) . . . . .	3500 00	
Asylum for the Insane, Brandon, (Construction, Equipment, etc.) . . . . .	3500 00	
Deaf and Dumb Institute, (Construction, Equipment, etc.) . . . . .	500 00	
Home for Incurables, (Construction, Equipment, etc.) . . . . .	500 00	
Aid to Municipalities and Public Works . . . . .	34000 00	
Miscellaneous . . . . .	2000 00	
Deaf and Dumb Institute (Printing Office) . . . . .	700 00	
Land Titles Office, Brandon . . . . .	473 00	
Court House, Brandon . . . . .	743 05	
	<hr/> 167962 55	
<b>MUNICIPAL COMMISSIONER.</b>		
Chief Clerk . . . . .	1500 00	
Postage and Incidentals . . . . .	150 00	
	<hr/> 1650 00	
	<hr/> 652684 81	
<b>RAILWAY COMMISSIONER'S DEPARTMENT.</b>		
Specially Authorized . . . . .		98550 00
<b>Total . . . .</b>		<hr/> 226448 69

## SCHEDULE "B."

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-seven, and the purposes for which granted.

To defray the expenses of Legislation, Public Institutions Maintenance, and for Salaries of the Officers of the Government and Civil Service and other disbursements, for the months of January and February, 1897..... \$80000 00

### DETAILED ESTIMATES OF EXPENDITURE

OF THE PROVINCE OF MANITOBA FOR THE YEAR ENDING DECEMBER  
31st, 1896.

#### LEGISLATION.

##### MEMBERS.

Indemnity.....	24000 00	
Mileage.....	850 00	
		24850 00

##### SALARIES.

Speaker.....	1000 00	
Clerk of the House.....	800 00	
Private Secretary to the Lieutenant-Governor.....	600 00	
Sessional Writers.....	800 00	
Sergeant-at-Arms.....	300 00	
Assistant Sergeant-at-Arms.....	100 00	
Pages.....	100 00	
Messengers.....	600 00	
		4300 00

##### EXPENSES.

Stationery.....	700 00	
Postage, Telegraph & Telephone.....	150 00	
Incidentals.....	200 00	
		1050 00

<i>Carried forward....</i>		\$30200 00
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*Brought forward*.... \$30200 00

PRINTING, BINDING, ETC.

Statutes.....	1500 00	
Journals .....	500 00	
Sessional Papers and Department- al Reports.....	800 00	
Votes and Proceedings.....	300 00	
Orders of the Day .....	100 00	
Public and Private Bills.....	700 00	
Unforeseen .....	200 00	
	<hr/>	4100 00

AUDIT OFFICE.

Provincial Auditor .....	1800 00	
Assistance.....	480 00	
Printing, Stationery and Inci- dentals.....	80 00	
	<hr/>	2360 00

LIBRARY AND MUSEUM.

Librarian.....	1200 00	
Assistant .....	420 00	
Magazines, Reviews and News- papers .....	600 00	
Books .....	500 00	
Binding.....	350 00	
Printing, Stationery and Inci- dentals.....	100 00	
	<hr/>	3170 00
	<hr/>	39830 00

OFFICE OF THE EXECUTIVE  
COUNCIL.

SALARIES.

President.....	1000 00	
Clerk .....	1200 00	
	<hr/>	2200 00

EXPENSES.

Printing and Stationery .....	75 00	
Postage .....	75 00	

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*Carried forward*.... \$150 00 2200 00 39830 00

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<i>Brought forward</i> ....	\$150 00	2200 00	39830 00
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**EXPENSES—Contd.**

Telegraph and Telephone.....	75 00		
Unforeseen .....	50 00		
		275 00	
Elections .....		32000 00	
			34475 00

**TREASURY DEPARTMENT.****SALARIES.**

Provincial Treasurer.....	3000 00	
Chief Clerk.....	1800 00	
Accountant .....	1200 00	
Clerk .....	650 00	
Assistance.....	300 00	
		6950 00

**EXPENSES.**

Printing and Stationery .....	350 00	
Postage and Incidentals .....	250 00	
Telegraph and Telephone .....	100 00	
Succession Duty Charges .....	100 00	
		800 00

**GRANTS.**

Manitoba Rifle Association.....	250 00	
Historical and Scientific Society .	250 00	
		500 00

**MISCELLANEOUS.**

Interest .....	21500 00	
Refunds .....	2000 00	
Unforeseen .....	500 00	
		24000 00
		32250 00

**SPECIALLY AUTHORIZED.**

Provincial Debenture Interest ...	115700 00	
Railway Aid Bonuses .....	12198 69	
		(127898 69)

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<i>Carried forward</i> ....	106555 00
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*Brought forward....*

\$106555 00

# PROVINCIAL SECRETARY'S DEPARTMENT.

## SALARIES.

Provincial Secretary. ....	3000 00	
Chief Clerk and Queen's Printer. ....	1600 00	
Clerk .....	800 00	
Assistance .....	425 00	
		<u>5825 00</u>

## EXPENSES.

Printing and Stationery .....	250 00	
Postage, Telegraph and Telephone .....	300 00	
Incidentals .....	100 00	
		<u>650 00</u>

## MISCELLANEOUS.

Insurance on Statutes .....	150 00	
Mailing and Packing Material... ..	100 00	
Manitoba Gazette.....	2000 00	
General Unforeseen.....	100 00	
		<u>2350 00</u>
		<u>8825 00</u>

# DEPARTMENT OF EDUCA- TION.

## GRANTS.

Public Schools .....	155000 00	
Manitoba University.....	3500 00	
Dominion Teachers' Association .	100 00	
		<u>158600 00</u>

# DEPARTMENT OF AGRICUL- TURE AND IMMIGRA- TION.

## SALARIES.

Minister.....	3000 00	
Chief Clerk.....	1500 00	
Clerk .....	1300 00	
		<u>5800 00</u>

*Carried forward....*

\$5800 00 273980 00

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<i>Brought forward</i> . . .	\$5800 00	273980 00
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**EXPENSES.**

Printing and Stationery . . . . .	250 00	
Postage . . . . .	150 00	
Telegraph and Telephone . . . . .	150 00	
Incidentals . . . . .	100 00	
Unforeseen . . . . .	100 00	
	<hr/>	750 00

**AGRICULTURE AND STATISTICS.**

E. D. Agricultural Societies . . .	14000 00	
Diseases of Animals . . . . .	3500 00	
Farmers' Institute . . . . .	1000 00	
Central Farmers' Institute . . . .	1000 00	
Agricultural Statistics . . . . .	1000 00	
Noxious Weeds Inspection . . . .	2000 00	
Dairy School and Dairy Instruction . . . . .	6500 00	
Dairy Association . . . . .	100 00	
Manitoba Poultry Association . . .	300 00	
	<hr/>	29400 00

**GRANTS.**

Winnipeg General Hospital . . . .	12232 50	
St. Boniface Hospital . . . . .	9237 75	
Brandon Hospital . . . . .	3348 38	
Morden Hospital . . . . .	1208 63	
Children's Home . . . . .	500 00	
St. Boniface Orphanage . . . . .	500 00	
Women's Home . . . . .	250 00	
Prisoners Aid Association . . . . .	100 00	
Winnipeg Industrial Exhibition . .	2500 00	
	<hr/>	29877 26

**IMMIGRATION.**

General . . . . .	10000 00	
Imperial Institute . . . . .	500 00	
	<hr/>	10500 00

**MISCELLANEOUS.**

Vital Statistics Registration . . . .	250 00
Protection of Game . . . . .	500 00

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<i>Carried forward</i> . . .	\$750 00	76327 26	273980 00
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*Brought forward....*      \$750 00    76327 26    273980 00

**MISCELLANEOUS—Contd.**

Marriage License Administration.	50 00		
Bacteriological Service .....	200 00		
Printing .....	100 00		
International Deep Waterways ..	200 00		
		<hr/>	1300 00
			<hr/> 77627 26

**ATTORNEY GENERAL'S  
DEPARTMENT.**

**SALARIES.**

Attorney General.....	\$3000 00	
Chief Clerk and Law Clerk .....	1900 00	
Clerk and Accountant.....	950 00	
Stenographer .....	720 00	
Assistance .....	100 00	
		<hr/> 6670 00

**EXPENSES.**

Law Books .....	200 00	
Printing and Stationery .....	250 00	
Telephone and Telegraph .....	200 00	
Postage and Incidentals .....	150 00	
Travelling expenses.....	100 00	
		<hr/> 900 00

**LAND TITLES OFFICE, WINNIPEG.**

District Registrar and Inspector .	2500 00
Deputy District Registrar.....	2000 00
Examiner .....	2000 00
Examiner .....	1600 00
Examiner .....	1600 00
Draughtsman .....	1400 00
Receiving Clerk.....	1200 00
Accountant.....	1200 00
Deputy District Registrar (O.S.).	1200 00
Engrossing Clerk.....	1000 00
Clerk .....	900 00
Clerk .....	900 00

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*Carried forward....*      \$17500 00    7570 00    851607 26

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*Brought forward*.... 17500 00 7570 00 351607 26

LAND TITLES OFFICE, WPG.—Contd.

Clerk .....	900 00	
Clerk .....	900 00	
Clerk .....	900 00	
Clerk .....	900 00	
Stenographer .....	900 00	
Messenger .....	360 00	
Postage and Incidentals .....	150 00	
Telephone and Telegraph .....	50 00	
	<hr/>	22560 00

LAND TITLES OFFICE, P. LA PRAIRIE.

District Registrar .....	2000 00	
Examiner .....	400 00	
Deputy District Registrar (O.S.) .	1200 00	
Draughtsman .....	1200 00	
Clerk .....	1000 00	
Clerk .....	900 00	
Clerk .....	900 00	
Clerk .....	900 00	
Messenger .....	360 00	
Postage and Incidentals .....	100 00	
Telephone and Telegraph .....	50 00	
	<hr/>	9010 00

LAND TITLES OFFICE, BRANDON.

District Registrar .....	2000 00	
Deputy District Registrar (O.S.).	1200 00	
Clerk .....	1000 00	
Clerk .....	900 00	
Clerk .....	900 00	
Clerk .....	600 00	
Postage and Incidentals .....	100 00	
	<hr/>	6700 00

LAND TITLES OFFICE, MORDEN.

District Registrar .....	2000 00	
Deputy District Registrar (O. S.).	1200 00	
Clerk .....	1000 00	
Clerk .....	900 00	
Clerk .....	900 00	
Telegraph, Postage & Incidentals.	175 00	
	<hr/>	6175 00

*Carried forward*....

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\$52015 00 351607 26

*Brought forward....*

\$52015<sup>7</sup>/<sub>100</sub> 351607 26

LAND TITLES OFFICES, GENERAL.

Stationery, Printing and Inci-		
dentials.....	1500 00	
Tax Returns.....	500 00	
Litigated Cases and Counsel Fees	400 00	
Travelling Expenses .....	150 00	
Unforeseen .....	50 00	
	<hr/>	2600 00

QUEEN'S BENCH.

Master and Referee .....	2250 00	
Prothonotary .....	1600 00	
Registrar.....	1500 00	
Deputy Prothonotary .....	1000 00	
Deputy Registrar and Accountant	900 00	
First Court Reporter.....	900 00	
Second Court Reporter .....	800 00	
Chamber Clerk.....	800 00	
Deputy Clerk of C. & P. C. J. D.		
and Clerk of C. C., P. la P....	800 00	
Deputy Clerk of W. J. D. and		
Clerk of C. C., Brandon .....	800 00	
Clerk in Q. B. office, Brandon ...	900 00	
Crier and Messenger .....	600 00	
Printing and Stationery .....	700 00	
	<hr/>	13550 00

COUNTY COURTS.

Inspector .....	1500 00	
Winnipeg C. C. C. and Surrogate		
Registrar and Clerk.....	1200 00	
Deputy Clerk Winnipeg C. Court	720 00	
County Court Clerk, Morden ...	800 00	
County Court Clerk, Virden ....	800 00	
Travelling expenses.....	600 00	
Stationery, Printing and Incid'tl's	400 00	
	<hr/>	6020 00

POLICE COURTS.

Police Magistrate, Winnipeg ....	600 00	
“ P. la Pr.....	200 00	
“ Brandon .....	200 00	
Other Police Magistrates .....	800 00	
	<hr/>	1800 00

*Carried forward...*

\$75985 00 351607 26

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*Brought forward*..... \$75985 00 351607 26

## POLICE.

Chief Provincial Constable .....	1400 00	
Provincial Constable .....	800 00	
Provincial Constable.....	800 00	
Travelling .....	1200 00	
Telegraph, Postage and Incident's	100 00	
	<hr/>	4800 00

## LICENSE.

Chief License Inspector .....	800 00	
Clerk .....	900 00	
Fees and expenses of Commissrs.	700 00	
License prosecutions.....	1500 00	
License inspection.....	1000 00	
Advertising licenses.....	200 00	
Stationery, Printing and Incident- als ....	150 00	
Postage, Telegraph and Telephone	100 00	
	<hr/>	5350 00

## COURT HOUSE MAINTENANCE.

Stamp Vendor and Messenger...	600 00	
Incidentals .....	150 00	
	<hr/>	750 00

## JAIL OFFICERS.

Jailer, E. J. D. ....	1000 00	
Head Turnkey " .....	900 00	
Turnkey, " .....	720 00	
Turnkey, " .....	720 00	
Turnkey, " .....	720 00	
Matron, " .....	240 00	
Jail Physician " .....	300 00	
Jailer, C. J. D. ....	600 00	
Turnkey, " .....	480 00	
Jailer, W. J. D.....	800 00	
Turnkey, " .....	600 00	
Matron, " .....	100 00	
Incidentals and Unforeseen ....	500 00	
	<hr/>	7680 00

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*Carried forward*....

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\$94065 00 351607 26

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*Brought forward....* \$94065 00 351607 26

## ADMINISTRATION OF JUSTICE.

Prison Subsistence.....	2800 00	
Constables Fees and Expenses...	8500 00	
Crown Cases and Prosecutions ..	3500 00	
Crown Witnesses.....	3800 00	
Lunatics . . . . .	1250 00	
Jurors and Juries . . . . .	7000 00	
Sheriff's Fees.....	2000 00	
Coroner's Inquests.....	400 00	
Unforeseen . . . . .	500 00	
	<hr/>	24750 00

GENERAL UNFORESEEN . . . . .	3000 00	
	<hr/>	121815 00

DEPARTMENT OF PROVINCIAL  
LANDS.

Expenses and Inspection.....	2500 00	
Taxes.....	1250 00	
	<hr/>	3750 00

RAILWAY COMMISSIONER'S  
DEPARTMENT.

## SALARIES AND EXPENSES.

Chief Clerk.....	500 00	
Printing and Stationery . . . . .	50 00	
Postage and Telegraphing . . . . .	50 00	
Incidentals and Unforeseen . . . . .	300 00	
	<hr/>	900 00

## RED RIVER VALLEY RAILWAY.

Right of Way.....	2000 00	
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## MANITOBA AND N. W. RAILWAY.

Land Grant Selection . . . . .	3000 00	
	<hr/>	5900 00
SPECIALLY AUTHORIZED . . . . .	(98550 00)	

*Carried forward..* \$483072 26

*Brought forward....*

\$483072 26

# DEPARTMENT OF PUBLIC WORKS.

## SALARIES.

Minister of Public Works .....	3000 00	
Chief Clerk and Inspector .....	1700 00	
Chief Engineer.....	1500 00	
Clerk .....	1200 00	
		7400 00

## EXPENSES.

Printing and Stationery .....	175 00	
Postage .....	100 00	
Telegraph and Telephone.....	125 00	
Incidentals .....	100 00	
Travelling expenses.....	500 00	
		1000 00

## GENERAL EMPLOYEES AND EXPENSES.

Mechanical Engineer .....	1000 00	
Chief Messenger.....	650 00	
Foreman Carpenter .....	800 00	
Engineer and Caretaker .....	600 00	
Watchman and night fireman ...	600 00	
Gardener .....	600 00	
Assistant gardener and fireman..	600 00	
Fireman, (extra) .....	100 00	
Housekeeper.....	300 00	
Stable supplies .....	150 00	
		5400 00

## MAINTENANCE LEGISLATIVE AND DEPARTMENTAL BUILDINGS.

Water and Ice .....	300 00	
Fuel .....	1500 00	
Light .....	900 00	
Cleaning .....	100 00	
Incidentals .....	150 00	
Fitting up for Session.....	150 00	
Telephone.....	45 00	
Insurance, 3 years .....	945 00	
		4090 00

*Carried forward....*

\$17890 00\$483072 26

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*Brought forward....* \$17890 00 488072 26

## GOVERNMENT HOUSE.

Gardener and Caretaker.....	600 00	
Insurance .....	159 00	
	<hr/>	759 00

MAINTENANCE COURT HOUSES,  
WINNIPEG.

Fuel.....	2000 00	
Light .....	700 00	
Water and Ice .....	250 00	
Furniture and Furnishings.....	450 00	
Incidentals, repairs, etc.....	250 00	
Engineer and Caretaker (2) ....	1200 00	
Fireman (extra) (2) .....	540 00	
Insurance (3 years) .....	400 00	
	<hr/>	5790 00

## MAINTENANCE JAIL, WINNIPEG.

Fuel .....	700 00	
Light .....	100 00	
Furniture and Furnishings.....	250 00	
Incidentals, repairs, etc.....	125 00	
Telephone .....	45 00	
	<hr/>	1220 00

MAINTENANCE COURT HOUSE AND JAIL,  
BRANDON.

Fuel .....	850 00	
Light .....	75 00	
Engineer and Caretaker .....	480 00	
Repairs, contingencies, furniture and furnishings.....	650 00	
	<hr/>	2055 00

MAINTENANCE COURT HOUSE AND  
JAIL, PORTAGE LA PRAIRIE.

Fuel .....	600 00	
Light .....	150 00	
Engineer and Caretaker .....	360 00	
Repairs, contingencies, furniture and furnishings.....	100 00	
	<hr/>	1210 00

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*Carried forward....* \$28924 00 488072 26

*Brought forward....*

\$28924 00 483072 26

## MAINTENANCE LAND TITLES OFFICES.

Fuel .....	1200 00	
Light .....	175 00	
Caretaking .....	1000 00	
Incidentals .....	100 00	
Insurance .....	105 00	
	<hr/>	2580 00

## ASYLUM FOR THE INSANE, SELKIRK.

*(Salaries.)*

Medical Superintendent .....	1800 00	
Bursar .....	1000 00	
Matron .....	600 00	
Chief Attendant and Storekeeper.	700 00	
Engineer .....	600 00	
Farmer and Assistant Engineer..	480 00	
Gardener .....	500 00	
Male attendants (8) .....	3500 00	
Female attendants.....	1500 00	
Cook .....	300 00	
Assistant Cook.....	240 00	
Servant .....	180 00	
Laundresses (2).....	540 00	
	<hr/>	11940 00

*(Maintenance.)*

Subsistence .....	11000 00	
Fuel .....	2200 00	
Light .....	900 00	
Water and Ice .....	40 00	
Drugs and Medicines.....	300 00	
Clothing .....	2750 00	
Laundry and cleaning.....	400 00	
Stationery, Printing and Postage.	150 00	
Incidentals, repairs, etc.....	1300 00	
Telegraph and Telephone .....	25 00	
Farm, Garden, Stock and Stable.	500 00	
Interments and Funeral expenses	200 00	
Insurance (3 yrs.).....	202 50	
	<hr/>	19967 50

*Carried forward....*

\$63411 50 483072 26



*Brought forward....*

\$63411 50 483072 26

## ASYLUM FOR THE INSANE, BRANDON.

*(Salaries.)*

Medical Superintendent .....	1500 00	
Bursar .....	1000 00	
Matron .....	420 00	
Chief attendant and storekeeper .	600 00	
Male attendants (8).....	8500 00	
Female attendants (4) .....	1150 00	
Farmer and fireman.....	480 00	
Gardener .....	480 00	
Cook .....	300 00	
Assistant cook .....	240 00	
Servants (2) .....	480 00	
Laundresses (2).....	540 00	
		10690 00

*(Maintenance.)*

Subsistence .....	7500 00	
Fuel .....	3000 00	
Light .....	700 00	
Water and Ice .....	50 00	
Drugs and medicines.....	200 00	
Clothing .....	2900 00	
Laundry and cleaning.....	500 00	
Stationery, Printing and Postage	150 00	
Farm, Garden, Stock and Stable.	1500 00	
Incidentals, repairs, etc.....	1250 00	
Telegraph and Telephone .....	50 00	
Interments and Funeral expenses.	200 00	
Insurance (3 yrs.).....	300 00	
		18300 00

## DEAF AND DUMB INSTITUTE.

*(Salaries.)*

Principal .....	1300 00	
Teachers (3) .....	1260 00	
Matron.....	420 00	
Supervisor of Boys and Printing..	480 00	
Caretaker .....	480 00	
Watchman and Night Fireman..	480 00	
Laundress .....	300 00	
Servants (2).....	420 00	
		5140 00

*Carried forward....*

\$97541 50 483072 26

*Brought forward....*

\$97541 50 483072 26

**DEAF AND DUMB INSTITUTE.—Contd.***(Maintenance.)*

Subsistence .....	2500 00	
Fuel .....	900 00	
Light .....	400 00	
Water and Ice .....	175 00	
School Supplies and Amusements	150 00	
Stationery, Printing and Postage.	50 00	
Medical Attendance and Medicine	150 00	
Laundry and Cleaning.....	125 00	
Incidentals, repairs, etc.....	500 00	
Telegraph and Telephone .....	50 00	
Insurance (3 yrs.).....	90 00	
		<hr/>
		5090 00

**HOME FOR INCURABLES.***(Salaries.)*

Superintendent and Bursar.....	1000 00	
Attending Physician.....	700 00	
Matron.....	420 00	
Male Attendants (2).....	840 00	
Female Attendants (2).....	600 00	
Caretaker .....	480 00	
Watchman and Night Fireman..	480 00	
Cook .....	300 00	
Servant .....	240 00	
Laundress .....	210 00	
		<hr/>
		5270 00

*(Maintenance.)*

Subsistence.....	3500 00
Fuel.....	1000 00
Light.....	375 00
Water and Ice .....	25 00
Clothing .....	250 00
Drugs and Medicines .....	200 00
Stationery, Printing and Postage	50 00
Laundry and Cleaning .....	125 00
Incidentals, Repairs, &c .....	225 00

*Carried forward....* \$5750 00 107901 50 483072 26

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Brought forward.... \$5750 00 107901 50 483072 26

## HOME FOR INCURABLES.

*(Maintenance)*—Contd.

Garden, Stock and Stable.....	150 00	
Interments and Funeral Expenses	75 00	
Telegraph and Telephone.....	50 00	
Insurance (3 years).....	120 00	
		<hr/> 6145 00

GENERAL REPAIRS AND IMPROVEMENTS TO LEGISLATIVE BUILDINGS  
(INCLUDING FURNITURE AND FURNISHINGS) .....

1500 00

GOVERNMENT BUILDINGS, GROUNDS,  
ETC .....

6000 00

## LAND TITLES OFFICES.

*(Construction, Equipment, Etc.)*Repairs and Improvements to  
Buildings and Grounds (including  
furniture and furnishings).

500 00

## ASYLUM FOR THE INSANE, SELKIRK. .

*(Construction, Equipment, Etc.)*Erection of and Improvements to  
Buildings, Outhouses, &c. (including  
furniture and furnishings) .....

3500 00

## ASYLUM FOR THE INSANE, BRANDON.

*(Construction, Equipment, Etc.)*Erection of and Improvements to  
Buildings, Outhouses &c. (including  
furniture and furnishings) .....

3500 00

Carried forward....

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\$129046 50 483072 26

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*Brought forward*.... \$129046 50 483072 26

## DEAF AND DUMB INSTITUTE.

*(Construction, Equipment, Etc.)*

Grounds, Erection of and Improvements to Buildings, Out-houses, &c. (including furniture and furnishings) ..... 500 00

## HOME FOR INCURABLES.

*(Construction, Equipment, Etc.)*

Erection of and Improvements to Buildings, Outhouses, &c. (in-cluding furniture and furnish-ings) ..... 500 00

## AID TO MUNICIPALITIES AND PUBLIC WORKS.

Special Aid to Municipalities....	4000 00	
Bridge Grants .....	10000 00	
Public Works and Colonization Roads .....	20000 00	
		<hr/>
		34000 00
Miscellaneous .....		2000 00

## DEAF AND DUMB INSTITUTE.

*(Printing Office.)*

Expenses and Supplies ..... 700 00

## LAND TITLES OFFICE, BRANDON.

Settlement of Claim of Kelly Bros ..... 473 00

## COURT HOUSE, BRANDON.

Settlement of Claim of Joseph Williams .....	743 05	
		<hr/>
		167962 55

*Carried forward*.... \$651034 81

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*Brought forward....*

\$651084 81

## MUNICIPAL COMMISSIONER.

Chief Clerk..... 1500 00  
 Stationery, Postage & Incidentals 150 00

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 1650 00

Total .....

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 \$652684 81

## ESTIMATED REVENUE

FOR THE YEAR 1896.

Subsidy .....	\$515094 54
Interest on School Lands Fund ..	18000 00
Advance from School Lands Fund	50000 00
Fines .....	4000 00
Fees ..	2000 00
County Court Fees.....	12000 00
Law Stamps .....	12000 00
Land Titles, General Fees .....	50000 00
Marriage Licenses .....	1500 00
Manitoba Gazette .....	3500 00
Sale of Statutes.....	200 00
3 per cent. Gross Earnings.....	9000 00
Liquor Licenses .....	26000 00
Interest .....	36000 00
Private Bills....	700 00
Refunds. ....	3000 00
Provincial Lands .....	7000 00
Support of Incurables .....	500 00
Support of Lunatics.....	29000 00
Insurance Act Fees.....	14000 00
Succession Duties : .....	3000 00
Sundry Revenue.....	3000 00
Teachers' Examination Fees.....	1000 00

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 \$800494 54

## CHAPTER 29.

An Act for granting further sums of money required for defraying certain expenses of the Civil Government of the Province, for the fiscal year ending the thirty first day of December, one thousand eight hundred and ninety-six, and for other purposes connected with the Public Service.

*(Assented to 19th March, 1896.)*

MOST GRACIOUS SOVEREIGN,

**W**HEREAS, it appears by message from His Honor Preamble.  
the Honorable JAMES COLEBROOKE PATTERSON,  
Lieutenant-Governor of the Province of Manitoba, and the  
Estimates accompanying the same, that the sums herein-  
after mentioned in the Schedule to this Act are required  
to defray certain further expenses of the Civil Government  
of this Province, and of the Public Service thereof, and for  
other purposes, for the fiscal year ending on the thirty-first  
day of December, one thousand eight hundred and ninety-  
six.

May it therefore please Your Majesty that it may be  
enacted, and it is hereby enacted by the Queen's Most Ex-  
cellent Majesty, by and with the advice and consent of the  
Legislative Assembly of Manitoba, as follows:—

1. From and out of the Consolidated Revenue Fund of the Province of Manitoba, there shall and may be applied a sum not exceeding in the whole the sum of nine thousand and four hundred dollars (\$9,400.00) for defraying the several expenses of the Civil Government and the Public Service of this Province or otherwise, for the fiscal year ending on the thirty-first day of December, one thousand eight hundred and ninety-six, which are set forth in Schedule "A" annexed to this Act; and for other purposes therein mentioned. Grant for year ending 31 Dec., 1896, not to exceed \$9,400.00.

2. Accounts in detail of all moneys expended under the authority of this Act, shall be laid before the Legislative Assembly of this Province at the next Session thereof. Accounts to be submitted next session.

3. The due application of moneys expended under the authority of this Act, shall be accounted for in such manner and form as shall be directed. Application of moneys to be accounted for.

4. This Act shall come into force on the day it is as-  
sented to. When Act shall come into force.

## SCHEDULE "A."

Supplementary sums granted to Her Majesty by this Act for the year ending the thirty-first day of December, one thousand eight hundred and ninety-six for the purposes herein named.

## LEGISLATION.

## SALARIES.

Private Secretary, 4 mos., 1895..	200 00
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## DEPARTMENT OF AGRICULTURE AND IMMIGRATION.

## AGRICULTURE AND STATISTICS.

Dairy Association.....	300 00	
Stock Breeders' Association .....	300 00	
Loans to Creameries and Cheese Factories .....	2000 00	
	<hr/>	2600 00

## GRANTS.

Portage la Prairie Hospital.....	1500 00	
Winnipeg Industrial Exhibition .	1000 00	
	<hr/>	2500 00

## IMMIGRATION.

Imperial Institute.....	1000 00	
	<hr/>	6100 00

## DEPARTMENT OF PROVINCIAL LANDS.

Expenses and Inspection .	1000 00
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## DEPARTMENT OF PUBLIC WORKS.

## ASYLUM FOR THE INSANE, SELKIRK.

For payment of outstanding claim of D. E. Sprague .....	1600 00	
For payment of outstanding claim of Wm. Halpenny.....	500 00	
	<hr/>	2100 00
		<hr/>
Total .....		\$9400 00

## CHAPTER 30.

An Act to amend Chapter 36 of 57 Victoria, being  
 "An Act to provide for giving Threshers a Lien  
 in Certain Cases."

(Assented to 19th March, 1896.)

HER Majesty, by and with the advice and consent of  
 the Legislative Assembly of the Province of Mani-  
 toba, enacts as follows:—

1. Section 3 of Chapter 36 of 57 Victoria, is hereby  
 amended by striking out all the words in said section  
 from and including the word "stored" in the fifth line of  
 said section, and by inserting in lieu thereof the following  
 words, "sold and delivered to a *bona fide* purchaser and  
 value received therefor and removed from the premises and  
 vicinity where the said grain was threshed, and out of the  
 possession of the person for whom the threshing was  
 done."

57 v., c. 36, s. 3  
amended.  
When  
retention to be  
held to be  
ended.

2. This Act shall come into force on the day it is as-  
 sented to.

Commence-  
ment of Act.

## CHAPTER 31.

An Act to amend "The Veterinary Association Act."

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and con-  
 sent of the Legislative Assembly of the Province  
 of Manitoba, enacts as follows:—

1. Paragraph (c) of Section 4 of Chapter 148 of the  
 Revised Statutes of Manitoba, is hereby repealed and the  
 following substituted therefor:

R. S. M. c. 148,  
s. 4, paragraph  
(c) repealed  
and paragraph  
substituted.

(c.) Graduates of any recognized Veterinary School or  
 College having a regular curriculum of not less than three  
 sessions of six months each. Nothing in this paragraph  
 shall affect or apply to persons holding or entitled to hold

Graduates of  
certain veteri-  
nary schools  
may be  
registered.



diplomas or certificates deemed satisfactory under the paragraph (c) for which this paragraph has been substituted, provided that such diplomas shall be or shall have been granted prior to the year 1898.

Commence-  
ment of Act.

2. This Act shall come into force on the day it is assented to.

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## CHAPTER 32.

An Act to amend "The Vital Statistics Act."

(Assented to 19th March, 1896.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

R. S. M., c. 149  
s. 33 amended.  
Summary re-  
specting regis-  
tration of  
births, etc.,  
may be printed  
on any part of  
Assessment  
and Tax  
notices.  
Commence-  
ment of Act.

1. Section 33 of Chapter 149 of the Revised Statutes of Manitoba is hereby amended by striking out in the first and third lines thereof the words "back of the."

2. This Act shall come into force on the day it is assented to.

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*First Session, Ninth Legislature, 59 Victoria, 1896.*

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FIRST SESSION, NINTH LEGISLATURE, 1896,  
59 VICTORIA.

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ACTS  
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—OF THE—  
PROVINCE OF MANITOBA,

PASSED IN THE SESSION HELD IN THE  
FIFTY-NINTH YEAR OF THE REIGN OF HER  
MAJESTY QUEEN VICTORIA.

—BEING THE—  
First Session of the Ninth Legislature,

BEGUN AND HOLDEN AT WINNIPEG, ON THE SIXTH DAY OF  
FEBRUARY, AND CLOSED BY PROROGATION ON THE  
SIXTEENTH DAY OF APRIL, 1896.



THE HONORABLE JAMES COLEBROOKE PATTERSON,  
LIEUTENANT-GOVERNOR.

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VOL. 2.--PRIVATE ACTS.

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WINNIPEG, MAN.  
DAVID PHILIP, QUEEN'S PRINTER.

A. D. 1896.

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The Stovel Co., Printers.





## 59 VICTORIA.

### CHAPTER 33.

An Act to authorize The Central Canada Loan and Savings Company of Ontario to transact business in the Province of Manitoba.

*(Assented to 19th March, 1896.)*

Whereas "The Central Canada Loan and Savings Com-  
pany of Ontario," (hereinafter called The Company), is a Preamble  
company duly incorporated by letters patent under the  
provisions of "The Ontario Joint Stock Companies Letters  
Patent Act," with the power of exercising all the functions  
of an incorporated company for the purposes and objects  
following, that is to say :—

(a). To acquire and hold either in fee simple or for a term of years, any lands, tenements or hereditaments, and to lease or sell the same upon such terms and conditions as may be agreed upon ;

(b). To lend money on the security of mortgage of real estate, whether freehold or leasehold ;

(c). To purchase and lend on government and municipal bonds or debentures, the stocks and debentures of chartered banks or companies incorporated under any special or general Act of the Dominion of Canada, or of any of the former Provinces of which the same is composed, or of the Province of Ontario, or the Province of Manitoba, at such rate or rates of interest as may be agreed upon ;

(d). To receive money on deposit paying such rate of interest therefor as may be agreed upon ; and

(e). To borrow on the debentures of the Company.



And Whereas, the said Company has prayed that it may be authorized by an Act of the Legislature of the Province of Manitoba, to lend money and carry on its business within the said Province, and it is expedient to grant the prayer of such Petition ;

Therefore,

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows :—

Company authorized to exercise in this Province same powers as to land that it possesses in Ontario.

1. The said Company shall be and is hereby authorized and empowered to exercise within this Province in respect of any real or personal property, all and any of the rights, powers and privileges which it has, exercises and enjoys, or can exercise and enjoy within the Province of Ontario in respect of any real or personal property in the said Province of Ontario, or elsewhere, and the acquisition, holding and the disposition of the same in the same manner and to the same extent as the said Company is authorized and empowered to exercise the same in the Province of Ontario as if the said Company were incorporated for such purposes under the provisions of a Statute of this Province.

Annual returns.

2. The said Company shall be subject to the provisions of "The Foreign Corporations Act" and to any amendments thereto, or that may hereafter be made, or to any provisions hereafter substituted therefor by any statute of this Province, in regard to annual returns, and the said Company shall have all the rights, powers and privileges, and shall be subject to the same restrictions in respect of taking, holding, acquiring, dealing with and disposing of, real and personal property, and investing money as if the said Company had obtained a license to carry on its business within this Province under the said Act.

Power to hold land.

Loaning business.

Securities.

3. It shall be lawful for the said Company to transact any loaning business whatever within this Province in its corporate name, and to take and hold any mortgages of real or personal estate, any railway or municipal or other bonds of any kind whatsoever, and on the security of which money may be lent whether the said bonds form a charge on real estate within the said Province or not, and also to hold such mortgages in its corporate name, and to sell and transfer the same at its pleasure, and in all respects to have and enjoy the same powers and privileges with regard to

lending its moneys, rates of interest and transacting of business within the said Province as a private individual might have and enjoy so far as may be within the legislative authority of this Province.

4. It shall be lawful for the said Company to lend and advance moneys on mortgages or in the purchase of mortgages on real and personal estate and the principal moneys so advanced on mortgages and in the purchase of mortgages, and the interest thereon may be made repayable and be repaid by means of a sinking fund, and it shall be lawful also for the said Company to provide that the principal sum so lent and advanced may be made repayable and be repaid in instalments or in one sum with interest on such principal payable at the same time or in different times instead of by means of a sinking fund at such time or times and in such manner as may be agreed upon and specified in such mortgage. Mortgages as security for loans.

5. The said Company shall have power to amalgamate with or to purchase the business of any other loan company upon such terms and conditions as may be mutually agreed upon, and as shall not impair the recourse or remedy of any creditor of either company, but before such amalgamation or purchase the consent of two-thirds of the votes of the shareholders of the said The Central Canada Loan and Savings Company of Ontario shall be obtained at a general or special meeting of the shareholders called for that purpose. Amalgamation powers.

6. This Act shall come into force on the day it is assented to. Commencement of Act.

---

## CHAPTER 34.

An Act to empower the Trustees of the Will of the late John Higgins to borrow money and to give mortgage security for the same.

*(Assented to 19th March, 1896.)*

Whereas John Higgins, late of the City of Winnipeg, within the Province of Manitoba, departed this life on or Preamble.

**Preamble.**

about the 22nd day of November, A.D. 1884, having first duly made and published his last will and testament and codicil thereto in writing, and Probate thereof was duly granted by the Surrogate Court of the Eastern Judicial District of the Province of Manitoba, to the trustees named in the said will.

And whereas on the 5th day of October, A.D. 1892, an order was made by the Honorable the Chief Justice of the Court of Queen's Bench of Manitoba, directing the Master of the said Court of Queen's Bench in Equity to appoint the Rev. Edwyn Sandys Wetmore Pentreath, formerly of the said City of Winnipeg and now of Brainerd, in the State of Minnesota, one of the United States of America, Clerk in Holy Orders, and Duncan Steele Curry, of the said City of Winnipeg, City Comptroller, trustees of the will of the said John Higgins, deceased, in the place and stead of the trustees heretofore mentioned, and by an order made by the Honorable Mr. Justice Dubuc, and dated the fifth day of December, A.D. 1892, the said appointment was confirmed and the said trust estate was vested in the said trustees, as and from the eighteenth day of November, A.D. 1892, upon the trusts contained in the said will and codicil, and the said trustees took upon themselves the administration of the estate of the said deceased, and the carrying out of the trusts of the said will and codicil, and are still performing the said duties so assumed.

And whereas at the death of the testator his property consisted principally of real estate, some portions of which have since been sold and converted into money, but the greater part of which still remains unsold, the said real estate so unsold consisting of the dwelling house and grounds of the said testator in his said will mentioned, and three parcels of land in the City of Winnipeg with the buildings erected thereon, and commonly known as the Higgins' Block, the Catharine Block, the Robert Block and the terrace adjoining it, and also other lands.

And whereas the said John Higgins in his lifetime, and on the 16th day of June, A.D. 1883, mortgaged the said Higgins and Robert Blocks and the terrace adjoining the last named block and some adjacent property, to the Canada Permanent Loan and Savings Company, to secure the payment of \$40,000, payable at the times and in the manner in said mortgage set out, and on the seventh day of February, 1884, mortgaged the said Catharine Block to the said Company to secure the payment of the sum of \$5,000.00 with interest as therein provided.

And whereas, on the first day of June, 1893, an extension agreement was entered into by said Company and said trustees, extending the time for payment of said mortgages, and providing that one thousand dollars of the principal money, due on the same, should be paid on the first day of May, A.D. 1896, two thousand dollars on the first day of May, A.D. 1897, and the balance, forty-two thousand dollars, to be paid on the first day of May, A. D. 1898, with interest at six and one-half per cent. per annum, any arrears of interest to become principal and bear interest at the rate aforesaid. Preamble.

And whereas the present indebtedness of the said estate is about \$56,266, and the net rentals and receipts of the estate are less than the annual charges, and no provision can be made to meet the instalment of principal money due on the first day of May next, nor any instalment of principal money, and there are no funds in the hands of the said trustees to be applied towards the maintenance of the children of the testator, nor can necessary repairs be made to any portion of said estate.

And whereas the said trustees were, on the twenty-sixth day of August last, served by the said Company with a notice requiring the payment of all moneys due under their said mortgages within two weeks therefrom.

And whereas the said mortgaged property was by the last assessment of the City of Winnipeg, assessed at \$87,000, and the unencumbered property of said estate was assessed at \$11,300, making a total assessed value of \$98,300.

And whereas the said testator has not empowered his trustees to pledge the said estate by way of mortgage, and they are therefore powerless to create a new mortgage upon the said estate in the place and stead of that at present existing thereon, or to mortgage the unencumbered portion of said property for the purpose of securing a fund sufficient to enable them to repair the said blocks and terrace.

And whereas the said trustees believe that if power to mortgage the said estate is given them they will be able to secure a new mortgage, to execute all necessary repairs to the said buildings, and to preserve the said estate for the heirs of the testator until a time when it can be disposed of at great advantage, and if such power is not conferred upon them, the whole of said estate, both the encumbered and

the unencumbered portions thereof may be totally lost to those beneficially interested.

And whereas the said trustees have petitioned for the powers hereinafter set out.

And whereas, it is deemed expedient to grant the prayer of the said trustees.

Therefore,—

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

Trustees empowered to borrow money.

1. The said Edwyn Sandys Wetmore Pentreath and Duncan Steele Curry, the trustees hereinbefore mentioned, the survivors or survivor of them, or the heirs, executors, or administrators of such survivor or other the trustees or trustee for the time being under said will are authorized to borrow from any corporation, individual or individuals, such sum or sums of money at such rate or rates of interest, and on such terms and for such length of time as to said Edwyn Sandys Wetmore Pentreath and Duncan Steele Curry, the trustees hereinbefore mentioned, the survivors or survivor of them, or the heirs, executors or administrators of such survivor or other the trustees or trustee, for the time being under said will shall seem expedient or advisable; and the said Edwyn Sandys Wetmore Pentreath and Duncan Steele Curry, the trustees hereinbefore mentioned, the survivors or survivor of them, or the heirs, executors or administrators of such survivor or other the trustees or trustee for the time being, under said will, are authorized to grant and mortgage all or any portion of the testator's estate, to secure repayment of the moneys so borrowed, when and so often as they may deem it expedient, and such mortgage or mortgages may contain such powers, terms and provisions as exist in the mortgages heretofore recited and executed by the testator, and also such other powers, terms and provisions as the said Edwyn Sandys Wetmore Pentreath and Duncan Steele Curry, the trustees hereinbefore mentioned, the survivors or survivor of them, or the heirs, executors or administrators of such survivor or other the trustees or trustee for the time being, under said will, shall consider expedient, and such mortgage or mortgages when so executed by the said Edwyn Sandys Wetmore Pentreath and Duncan Steele Curry, the trustees hereinbefore mentioned, the survivors or survivor of them, or the heirs, executors or

Trustees empowered to mortgage.

administrators of such survivor or other the trustees or trustee for the time being, under said will, shall be good and valid liens and charges against the property or properties described in said mortgages, so executed by them.

2. It is hereby declared that the corporation, or individual, lending money secured by mortgage as aforesaid, shall not be bound to see to the application of the moneys so borrowed.

Lender not bound to see to application of moneys lent.

3. It is hereby further declared that the said Edwyn Sandys Wetmore Pentreath and Duncan Steele Curry are the present trustees under said will, and that they have been legally appointed as such, and that the property and assets of said estate are duly vested in them.

Declaration as to present trustees.

4. This Act shall come into force on the day it is assented to.

Commencement of Act.

## CHAPTER 35.

### An Act to incorporate "The Home Investment and Savings Association."

*(Assented to 19th March, 1896.)*

Whereas, the Home Building and Savings Association has, by its Petition, represented that it was incorporated under the authority of The Manitoba Building Societies Act and amendments thereto, being Acts passed for the purpose of encouraging the establishment and formation of Building Societies; that by reason of the extension of their business, the increase in the number of their shareholders, it is desirable that they should be authorized to enlarge their powers, to borrow money and receive deposits and to change the name of the said Association;

Preamble.

And, whereas, it will be for the public advantage as well as for the advantage of the said Association that the prayer of the said Petition be granted;

Therefore,—

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

**Incorporation.** 1. All such persons as are now shareholders in the said Association, heretofore known as the "Home Building and Savings Association," according to the by-laws, rules and regulations thereof, and the said Association and all persons, firms and corporations who shall hereafter become shareholders in the Company hereinafter named, shall be and are hereby constituted and declared to be a body corporate and politic, under the name of "The Home Investment and Savings Association," and, under that name, shall be capable of suing and being sued, pleading and being impleaded, in all Courts and places whatsoever.

**Not deemed to be a new corporation.** 2. The said "The Home Investment and Savings Association" shall not be deemed to be a new corporation; but it shall have, hold, and continue to exercise all the rights, powers and privileges that shall previously to the passing of this Act, have heretofore been held, exercised and enjoyed, by the said Home Building and Savings Association, in as full and ample a manner as if the said last mentioned Association had continued to exist under its original name; and all statutory provisions, applicable to the said last mentioned Association, shall continue applicable to "The Home Investment and Savings Association," except in so far as the same may be by this Act modified or changed, and all the liabilities of the Home Building and Savings Association, existing at the time of the coming into force of this Act, shall be and become liabilities of "The Home Investment and Savings Association," in the same manner as if the said liabilities had been contracted by the said "The Home Investment and Savings Association."

**Transfer of assets of old to new company.** 3. All real and personal property, mortgages, shares or stock, obligations, debts, moneys, rights, claims, privileges, and all assets of every description and kind whatsoever of the said Home Building and Savings Association, shall, from the coming into force of this Act, be hereby transferred to and vested in the said "The Home Investment and Savings Association," and all the shareholders in the said Association shall thereupon continue shareholders in all respects as before such change of name, and all legal proceedings heretofore regularly commenced by or against the said Home Building and Savings Association may be continued and terminated under the name, style and cause in which they have been instituted.

**Capital stock.** 4. The Capital Stock of "The Home Investment and Savings Association" hereinafter called the Company shall be three million dollars (\$3,000,000) divided into thirty thousand shares of one hundred dollars each. One half of

the said capital stock shall be terminating or withdrawable stock or shares, and may be from time to time issued as such, and one-half shall be fixed and permanent capital stock, not liable to be withdrawn from the Company, and may from time to time be issued as such.

5. The President, Vice-President, Directors and Officers of the said Association shall remain in office until others shall be appointed, in accordance with the said by-laws, rules and regulations, and the property, affairs and concerns of the Company shall be managed by the officers, and in the manner provided in and by the said by-laws, rules and regulations, or in such manner as may hereafter be provided by any new or amended by-laws, rules and regulations. Officers of the old company to remain in office.

6. All the now existing by-laws, rules and regulations of the said Home Building and Savings Association shall continue in force and effect and shall be binding in law as regards the Company, its directors, shareholders and borrowers, until modified, amended or repealed in conformity with the provisions of this Act. By-laws of company.

7. From and out of the said terminating or withdrawable stock, the Company may issue different series of stock or instalment stock, to be paid in periodical sums and prepaid stock upon which a gross amount shall be paid in advance, and a dividend bearing prepaid stock upon which a partial dividend may be paid annually out of the full dividend apportioned thereto, and which instalment and prepaid stock shall mature when the amounts so paid together with dividends declared upon the same shall equal the par value of such stock. Instalment stock.

8. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company beyond the extent of his shares not then paid up, and then only in accordance with his contract with the Company. Liability of shareholders.

9. The Company may lend money in conformity with the law and with the by-laws of the Company, to any person or persons or body corporate without requiring any such borrowers to become subscribers to the stock or members of the said Company. Lending powers.

10. It shall be lawful for the Company to receive money on deposit, and also to borrow money; provided always that the aggregate amount of money deposits of Borrowing powers.



the Company, together with the amount of the debentures and debenture stock issued or to be issued as herein-after provided and remaining unpaid, may be equal to, but shall not at any time exceed double the aggregate amount paid up on unimpaired fixed and permanent capital or shares of the Company not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount remaining unpaid on the subscribed fixed and permanent capital or shares upon which not less than twenty per cent. has been paid, but in no case shall such liabilities of the Company to the public at any time exceed three times the amount paid up on the fixed and permanent capital or shares in the Company, nor shall they at any time exceed the amount of principal remaining unpaid on the investments at such time held by the Company; provided that in estimating the paid up, unimpaired, fixed or permanent capital or shares of the Company, the amount of all loans or advances made by the Company to their shareholders upon the security of their stock shall be deducted therefrom; provided further, that the amount held by the Company on deposit shall not at any time exceed the amount paid on the capital and unimpaired stock of the Company, and subject to the limitations herein mentioned, the Company may borrow money from any chartered Bank and may issue its promissory note or notes therefor.

**Debentures.**

**11.** The Board of Directors may issue Debentures of the Company for such sums not less than one hundred dollars each and in such currency as they deem advisable, and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitation hereinbefore mentioned; and such debentures may have interest coupons attached, and such debentures shall be signed by the President or Vice-President and the Manager of the Company or other persons thereto appointed by by-law or resolution of the Directors and shall be under the common seal of the Company, and the coupons shall be signed by the manager or other persons thereto appointed by by-law or resolution of the Directors, and the Directors may from time to time give, execute and deliver a first mortgage or trust deed upon such portion of the property, assets, mortgages and effects of the Company as the directors determine, or upon all of the property, assets and effects of the Company to such person or persons or corporations as the directors elect, and upon such terms and conditions as they determine, and such trust deed or mortgage may be for the purpose of securing payment to the holder or holders of the debentures from time to time issued; provided that no holder of debentures

of the Company shall be bound to enquire into the occasion of any such loan or the issuing of any such debentures or into the validity of any by-law or resolution authorizing the same, or the purpose for which such loan is wanted.

**12.** The directors may also issue debenture stock, which shall be treated and considered as a part of the regular debenture debt of the Company in such amounts and manner, on such terms and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations hereinbefore provided, so that the amount received as money deposits and borrowed on the security of the debenture stock, shall not in the whole exceed the aggregate amount fixed by this Act as the authorized limit of the borrowing powers of the Company.

**13.** The debenture stock aforesaid shall be entered by the Company in a register, to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons from time to time entitled thereto, with the respective amounts of said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors determine.

**14.** The Company shall on demand deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon and the conditions to which the said stock is subject, but no other rights or privileges shall be conferred upon the holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the Company.

**15.** All transfers of debenture stock of the Company shall be registered at the Head Office of the Company in Winnipeg, Manitoba, and not elsewhere, but said transfers may be left with such agent or agents in the Dominion of Canada, or Great Britain, or any foreign country as the Company appoint for that purpose for transmission to the Company's office in Winnipeg, Manitoba, for registration.

**16.** The holders of the debentures of the Company may, with the consent of the directors at any time, exchange such debentures for debenture stock.

**17.** The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued, or to be issued, by the Company. The directors of the said company may, at any time, in the in-

terests of the Company, buy up and cancel said debenture stock or any part thereof.

Lending powers.

**18.** It shall be lawful for the Company to lend and advance money on mortgages of real estate, and on assignments of mortgages, or in the purchase of mortgages of real estate, and the principal moneys so advanced on mortgages, or assignments of mortgages, or in the purchase of mortgages, and any moneys advanced or lent by the Company in accordance with its powers for such purposes, and the interest thereon, may be made repayable and be repaid by means of a sinking fund of not less than two per cent. per annum within such time as the Company shall direct and appoint, and as shall be specified in the mortgages or assignments of mortgages, and it shall be lawful for the Company to provide that the principal moneys so lent and advanced, may be made repayable and be paid in instalments, or in one sum, with interest on the said principal, payable at the same time, or different times, instead of by means of a sinking fund, at such time or times and in such manner as may be agreed upon and specified in any such mortgage, and the Company may do all acts and things that may be necessary for advancing money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing thereon, or any conditions attached to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers, whatsoever requisite or expedient to be done and exercised in relation to the same, and such powers shall be in addition to those conferred upon the Company under the authority of the said Manitoba Building Societies Act.

Agencies.

**19.** The said Board may appoint Agencies or Local Boards of Directors in any city or town in Great Britain or the Dominion of Canada; their mode of appointment and powers to be fixed by the by-laws of the Company.

Power to purchase assets of other companies.

**20.** The directors of the Company if authorized by resolution of the shareholders passed at the annual meeting, or at a special meeting called for that purpose, shall also have power to take over, purchase or assume the entire assets, and to assume the liabilities of any other incorporated Loan, Mortgage or Investment Company, whether local or foreign, and to have, hold, enjoy, and deal with said assets and liabilities in as full and ample a manner as if the same were originally the assets and liabilities of the Company.

**21.** This Act shall come into force on the day upon <sup>Commence-</sup> which it is assented to. <sup>ment of Act.</sup>

## CHAPTER 36.

### An Act to incorporate "The Manitoba Trusts Company."

*(Assented to 19th March, 1896.)*

Whereas the Honourable Thomas Wardlaw Taylor, <sup>Preamble.</sup> George A. Cox, Edward Lancaster Drewry, William J. Christie, Colin Inkster, Israel M. Ross, Elisha F. Hutchings, Archibald McTavish Campbell and Archibald J. Bannerman have petitioned the Legislature that they may be incorporated under the title of "The Manitoba Trusts Company" for the purpose of executing trusts ;

And Whereas it is expedient to grant the prayer of the said Petitioners ;

Therefore,

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba enacts as follows :—

**1.** The Honourable Thomas Wardlaw Taylor, George A. <sup>Incorporators.</sup> Cox, Edward Lancaster Drewry, William J. Christie, Colin Inkster, Israel M. Ross, Elisha F. Hutchings, Archibald McTavish Campbell, Archibald J. Bannerman and all and every other person or persons who shall hereafter become stockholders in the said company, shall be and they are hereby created a body corporate by and under the name of <sup>Name.</sup> "The Manitoba Trusts Company," and by that name shall have perpetual succession and may sue and be sued, and have and use a common seal and be capable by law to make and receive all deeds, conveyances, mortgages, transfers, assignments and contracts necessary to carry into effect the provisions of this Act, and to promote the objects and designs of the said Company.

Power to take  
land upon  
trusts.

Power to act  
as agents.

Deposits.

Realizing for  
purposes of  
trust.

Remunera-  
tion.

Administra-  
tion.

2. The objects of the said Company shall be and they are hereby authorized to take, receive, and hold all estates and property real and personal which may be granted, committed, transferred, delivered or conveyed to them with their consent upon any trust or trusts whatsoever (not contrary to law), at any time or times, by any person or persons, body or bodies corporate, or by any Court of Record and to administer, fulfil and discharge the duties of such trusts for such remuneration as may be agreed on ; and they are also authorized to act generally as Agents or Attorneys for the transaction of business, the management and winding up of estates, partnerships, companies and other corporations, the collecting of rent, interest, dividends, mortgages, bonds, bills, notes and securities for money, and also to act as Agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligation of any corporation, association or municipality, and to receive and manage any sinking fund therefor, on such terms as may be agreed upon, also to grant and to sell terminable and life annuities and also to invest the proceeds of the sale of annuities and all moneys entrusted to the Company for investment upon the security of or in the purchase of annuities, mortgages upon lands and debentures of the Municipalities of this Province and all such securities in which trustees are by law authorized to invest trust moneys ; also to receive moneys on deposit until invested ; also to guarantee any investment made by them as Agents or otherwise and to realize for the purpose of any trust any money invested for such trust, and to sell, pledge, transfer or dispose of any mortgage or mortgages or other security or investment or any real or personal property held by the Company or upon which any trust funds may be invested so as to realize such funds and property whenever the same may be required for distribution or for payment to the party or parties entitled thereto on the fulfilment of the objects of any trusts ; and also for and in respect of all or any of the services, duties or trusts hereinbefore mentioned, to charge and be allowed, and to collect and receive all proper remuneration and legal, usual and customary charges, costs and disbursements, with power to advance moneys to protect any such estate, trust or property entrusted to them as aforesaid and to charge lawful interest upon any such advances, provided that nothing herein contained shall be held either to restrict or to extend the powers of the said Company as Trustees or Agents under the terms of any trust or agency that may be conferred upon them.

3. The said Company are also authorized to accept and execute the offices of executor, administrator, *administrator*

*de bonis non*, trustee, receiver, curator, assignee, (other than under any Act relating to insolvency) guardian of any minor, or of committee of any lunatic; and in all cases when application shall be made to any court of the Province of Manitoba, for the appointment of any executor, trustee, receiver, guardian, administrator, *administrator de bonis non* or committee of any lunatic, it shall be lawful for any such court to appoint the said Company (subject as hereinafter provided) with their consent to hold such office or offices; and the accounts of the said company as such executor, administrator, *administrator de bonis non*, trustee, receiver, assignee, guardian or committee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper legal, usual and customary charges, costs and expenses, shall be allowed to the said Company for the care and management of the estate so committed to them. In case of such appointment by any court, the said Company shall not be required to give any security, but such court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report thereon to such court and regarding the security afforded to those by or for whom its engagements are held, and the expense of such investigation shall be defrayed by the said Company, or the court may, if deemed necessary, examine the officers or Directors of the said Company under oath or affirmation as to the security aforesaid; it shall also be competent for the Lieutenant-Governor-in-Council from time to time when he shall deem it expedient to appoint any inspector to examine the affairs of the said Company, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of such investigation shall be borne by the said Company.

4. In case the Lieutenant-Governor-in-Council shall approve of the said Company being accepted by the Court of Queen's Bench for Manitoba, as a Trusts Company for the purposes of such Court, the said Court or any other Court or Judge having authority to appoint such an officer may, if they think fit, with the consent of the Company, appoint such Company to exercise any of the said offices or to perform any of the said duties in this Act referred to in respect of any estate or person under the authority of such Court.

Court may  
appoint  
Company  
administrator,  
etc., if Lieut.-  
Gov.-in-  
Council  
approve of  
Company.

5. The Lieutenant-Governor-in-Council may revoke the approval given under this Act, and no Court or Judge, after notice of such revocation, shall appoint such Company to execute any of the offices or perform any of the duties under this Act unless such Company gives the like

Revocation of  
such approval.

security for the due performance of its duties as would be required from a private person.

Company subject to orders of court in respect of trusts, etc.

6. The said Company shall be subject at all times to the further orders, judgments and decrees of any Court of record from which it shall have accepted any trusts, appointment or commission as to such trust and shall render to such Court such itemized and verified accounts, statements and reports as may be required by law or as such Court shall order in relation to such particular trust.

Powers of company in execution of trusts.

7. The said Company in the execution of any trusts assumed under the powers contained in this Act, shall have all the powers, rights and privileges conferred upon trustees, executors and administrators of estates under the provisions of "The Manitoba Trustee Act," and any amendments thereto.

Liability of company to persons interested in trust estate.

8. The liability of the said Company to the persons interested in the estate held by the said Company as executor, trustee, assignee, administrator, *administrator de bonis non*, curator, receiver, guardian, or committee as aforesaid, shall be the same as if the said estates had been held by any private person in such capacities respectively, and their powers shall be the same, and the whole of the capital stock of the said Company together with its property and effects, shall be taken and considered as security for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatsoever, but no stockholder in the Company shall be liable to any greater extent than the amount unpaid upon any stock held by him, and no property whatever held by the Company in trust shall be subject to its liabilities.

Power to hold land.

9. The said Company shall have the power to hold real estate not exceeding \$100,000 in value for the purpose of providing suitable offices for the transaction of their business, and further, subject to the laws in force in this Province, any real estate of whatever value which, being mortgaged to them, may be acquired by them for the protection of their investments, and may from time to time sell, mortgage, lease or otherwise dispose of the same.

Investments.

10. The said Company shall have power, and they are hereby authorized to invest any moneys forming part of their capital or reserve, or accumulated profits in such securities, real or personal, as the Directors may from time to time deem expedient; provided nothing in this Act shall

authorize the said Company to engage in the business of banking or insurance. The said Company shall not loan their funds, moneys, capital, trust funds or any other property whatsoever, to any director, officer, agent or employee thereof, nor shall any director, officer, agent or employee become in any manner indebted to the said Company, except for any unpaid liability for shares subscribed, provided that the execution and delivery of any bond required from any such officer, agent or employee, shall not be considered as an indebtedness for the purpose of this section.

**11.** The capital stock of the said Company shall consist <sup>Stock.</sup> of ten thousand shares, of fifty dollars each, being five hundred thousand dollars, with the privilege of increasing the same by a vote of the stockholders to one million dollars; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* allotment of such increase.

**12.** The affairs of the Company shall be administered <sup>Board of Directors.</sup> by a board of not less than seven directors, being severally holders of at least twenty shares of stock, upon which all calls have been paid, and the office of a director, upon his ceasing to hold that number of shares or becoming insolvent by voluntary assignment or compulsory liquidation, shall immediately and *ipso facto* cease and be vacated; such directors shall be elected at the first general meeting, and thereafter at each annual meeting of the Company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected, and a majority of the members of such board shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the Company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the Corporation, and an election may be had at any general meeting of the Company called for the purpose.

**13.** The Board of Directors shall have full power in all <sup>Powers of Board.</sup> things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the stockholders) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-pay-



ment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the time and place for holding the annual and other meetings of the Company, within the Province; the calling of meetings of the Company and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business and of any offices which they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct and management in all other particulars of the affairs of the Company, but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the Company, unless confirmed at a general meeting of the Company; and every copy of any by-law under the seal of the Company, and purporting to be signed by any officer of the Company shall be received in all Courts of Law as *prima facie* evidence of such by-law.

Provisional  
directors.

**14.** For the purpose of organizing the said Company the persons named in the preamble to this Act shall be the provisional directors thereof, and they, or a majority of them, may cause stock books to be opened, upon which stock books shall be recorded the transactions of such person or corporations as desire to become stockholders in the said Company, and such books shall be opened at the City of Winnipeg, or elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they may deem necessary.

First general  
meeting of  
company.

**15.** The said provisional directors may call a general meeting of the stockholders at some place to be named in the City of Winnipeg by giving at least ten days' notice thereof in a daily newspaper published in the said City of Winnipeg, at which general meeting the stockholders present in person or by proxy, shall elect a Board of not less than seven Directors in the manner and qualified as hereinbefore provided, and who shall hold office until their successors are elected.

When  
company may  
begin  
business.

**16.** The said company shall not be entitled to commence business until at least one hundred thousand dollars of stock shall have been *bona fide* subscribed, and one hundred thousand dollars fully paid up on the stock subscribed, when the stockholders may elect directors at a special or general meeting to be called as before provided.

**17.** The said Company shall prepare and annually transmit to the Department of Agriculture and Immigration a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting forth the capital stock of the Company, the portion thereof paid up, the assets and liabilities of the Company, and the trust property held by it, and such other details as the said Department may require, and the said statement shall be made up to the 31st day of December in each year. Annual return to Dept. of Agriculture.

**18.** The said Company shall have power to amalgamate with or purchase the business of any other Company authorized to transact the execution of trusts, upon such terms and conditions as may be agreed upon and as shall not impair the recourse and remedy of any creditor of either Company, but before such amalgamation or purchase, the consent of two-thirds of the votes of the stockholders of The Manitoba Trusts Company shall be obtained at a general or special meeting of the stockholders called for that purpose. Amalgamation

**19.** This Act shall come into force on the day on which it shall be assented to. Commencement of Act.

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## CHAPTER 37.

An Act to incorporate "The Grand Lodge of Manitoba of the Independent Order of Oddfellows."

*(Assented to 19th March, 1896.)*

Whereas, certain persons are associated together in this Province under the name of "The Grand Lodge of Manitoba of the Independent Order of Oddfellows," and have by petition prayed that they should be incorporated, enabling Subordinate Lodges to be also incorporated; Preamble.

And whereas, it is expedient to grant the prayer of the said petition;

Therefore,

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

**Incorporators.**

1. Harry Barton Rose, John Morrow, Joel Weaver Baker, Robert Hance Shanks, Donald Edward McKinnon, John Tucker, William John May, Richard J. Noxon, Robert Hamilton, The Very Reverend John Grisdale, Harry Meikle, Nelson Tracey, D. J. McDonald, Johnson Douglass and their successors, and such and so many other persons as have become and shall become members thereof, shall be and are hereby constituted a body politic and corporate under the name of "The Grand Lodge of Manitoba of the Independent Order of Oddfellows."

**Corporate name.****General powers.**

2. The said Corporation shall have perpetual succession and a common seal, with power to alter or change the said seal by by-law to that effect, and shall have power from time to time and at all times hereafter, and shall be able and capable to purchase, acquire, hold, possess and exchange, and to have, take and receive by gift or devise to them and their successors to and for the actual use or occupation of the said corporation, any real and personal estates, provided that such real estate shall not exceed the sum of \$100,000, and the same to sell, alienate, lease, exchange and otherwise dispose of whensoever the said corporation may deem it expedient so to do. And by the same name may sue and be sued, and prosecute and defend all manner of actions both at law and in equity. And the said corporation may have any number of Subordinate Lodges in the Province to promote the objects thereof.

**Borrowing powers.**

3. The said Corporation may from time to time borrow money not to exceed in the whole the sum of \$50,000 for such purposes and upon such terms as it shall think proper and expedient, and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments for securing the repayment of any money borrowed under the seal of the Corporation, which shall operate as a mortgage and charge against the real or personal estate, or both, of the said Corporation, and subject to the said limitation, may borrow money upon the promissory note or notes, or evidence of debt of the said Corporation from any person or corporation.

**By-Laws.**

4. The said Corporation shall have power to make any by-laws, rules and regulations not being contrary to law or to the provisions of this Act, with power to amend and repeal the same for all purposes relating to, and bearing on the well being and interests of the said Corporation, and any Subordinate Lodge in communion therewith, and shall in such by-laws, rules or regulations, declare the objects of such Corporation and its Subordinate Lodges.

5. The said Grand Lodge shall have power to appoint <sup>Officers.</sup> any of its present officers, or such other members or officers of the Association, for the management of its funds and property as may be deemed expedient, to prescribe their duties and to require such security as may from time to time be deemed proper from such officer or officers or any of them for the faithful performance of their respective duties, and may, by itself or its Grand Master, suspend or remove them or any of them at pleasure, and may make and ordain and put in execution such by-laws and rules or regulations as may be deemed necessary for the purpose aforesaid, not inconsistent with the laws of this Province.

6. Each Subordinate Lodge of the Independent Order of Oddfellows now organized in this Province or which may hereafter become organized by or under the authority of the said Grand Lodge within this Province, may, in the manner hereinafter specified, be, and become a body politic and corporate by the name and number by which it may be designated by such Grand Lodge, and whenever a Subordinate Lodge shall become incorporated as aforesaid, it shall have the same powers and privileges as are hereinbefore conferred upon the said Corporation for acquiring, purchasing, holding, having, taking, receiving by gift or devise, exchanging, selling and leasing all real and personal estate, for prosecuting and defending any actions, and for borrowing money, and mortgaging and executing instruments as security therefor, and to make and pass, amend and alter, by-laws, rules and regulations, subject to the approval of the said Grand Lodge, being first obtained thereto, before the same shall become valid and binding upon such Subordinate Lodge.

<sup>Incorporation  
of Subordinate  
Lodges.</sup>  
  
<sup>Powers of  
Subordinate  
Lodges.</sup>

7. In the event of the real estate of the said corporation or of any subordinate lodge exceeding in value the sums hereinbefore respectively limited, by reason of the increase in value thereof, or by any gift, donation, or devise to such corporation or any subordinate lodge, such real estate, gift, donation or devise shall not lapse or be forfeited, but the said corporation or subordinate lodge shall be capable of holding the same, and shall, as soon as may be expedient thereafter, sell and convert into personalty, the same or so much thereof as shall be necessary to comply with the provisions of this Act.

<sup>Disposition of  
realty in excess  
of what may  
be held.</sup>

8. All deeds, mortgages, discharges, bonds or other instruments executed in accordance with powers conferred by this Act by the said corporation or any subordinate lodge shall be sealed with the corporate seal and signed by the presiding officers and secretary of such corporation

<sup>Execution of  
deeds, etc.</sup>

or subordinate lodge, or such other persons as may be thereunto appointed by by-law.

Incorporation  
of Subordinate  
Lodges.

9. Each subordinate lodge now established, or which may hereafter be established under the authority of the said Grand Lodge, and which may be desirous of becoming incorporated, shall, and may, by a resolution approved by a vote of at least two-thirds of the members present at any regular meeting resolve to become so incorporated, and upon evidence by statutory declaration being filed with the Provincial Secretary showing that said Lodge is a Subordinate Lodge of the said Grand Lodge, and that such resolution has been passed, and upon filing therewith a copy of its constitution or by-laws, if any, and if there be no constitution or by-laws, evidence of the fact, and a certificate of the Grand Lodge, under the seal thereof, and under the signatures of its presiding officer and secretary that such Subordinate Lodge is in good standing in the Order, the members of such Subordinate Lodge whose names may be included in such resolution aforesaid and their associates and successors, members of such Subordinate Lodge shall be and become from the time of the issuing by the Provincial Secretary of his certificate hereinafter provided for, a body politic and corporate as aforesaid, by the style or name and number by which it may be designated by the said Grand Lodge, and as such shall have perpetual succession and a common seal, with power to change or alter the said name and number or the said seal by by-law to that effect, approved according to such regulations as may be in force under any rule, regulation or by-law of such Grand Lodge.

Incorporation  
under this Act  
of Lodges  
already  
incorporated.

10. Any Subordinate Lodge of the said Grand Lodge heretofore established, and which has been or become incorporated under the Act respecting Charitable, Benevolent and Saving Associations, or under any law in force in this Province, may become a body corporate and politic, entitled to and invested with all the powers, rights, immunities and privileges granted to Subordinate Lodges under this Act, upon a certificate being filed with the Provincial Secretary, sealed with the corporate seal of such Subordinate Lodge and signed by the presiding officer and the secretary thereof, showing that the said Subordinate Lodge was incorporated, and the date of such incorporation, and furnishing therewith a copy of its constitution and by-laws and a certificate of the said Grand Lodge under its corporate seal, and the signatures of its presiding officer and secretary that such Subordinate Lodge is a Subordinate Lodge of such Grand Lodge, and is in good standing in the Order, and such powers, rights, immunities and

privileges so vested in such Subordinate Lodge under this Act shall take the place of those hitherto possessed, had, or enjoyed by such Subordinate Lodge under the Act authorizing its incorporation.

**11.** Any Subordinate Lodge which shall seek to become incorporated under this Act, or shall seek to become a body politic and corporate entitled to the powers, rights, immunities or privileges hereof shall be entitled upon production and filing of the proofs, documents and certificates aforesaid, to receive a certificate of incorporation under the provisions hereof, under the hand of the Provincial Secretary in such form as he may deem suitable, and such certificate shall be final and conclusive evidence of such Subordinate Lodge being a Corporation under this Act. Certificate of incorporation.

**12.** It shall be lawful for the said Grand Lodge or for any of the said incorporated Subordinate Lodges, and they are hereby respectively empowered from time to time, by and with the consent of such Grand Lodge or of such Subordinate Lodge, to be attested in such manner as may be directed by their by-laws, to lay out and invest all such sums of money as they or any of them desire to lay out or invest, in real estate or on first mortgage on real estate, or in public or private stocks, or on deposit in any chartered bank of Canada, or in the Canadian Post Office Savings' Department, or in such other manner as such Grand Lodge or any Subordinate Lodge may direct, but not on promissory notes or to its own members, and from time to time, with the like consent, to alter, sell, transfer, assign and discharge such securities, real estate, stocks or deposits respectively, and otherwise reinvest and dispose of the same and the certificate, bill of sale, deed, or other instrument of transfer, assignment, sale or discharge of such estate, stock, deposits or security shall be made under the seal of such Grand Lodge or of such Subordinate Lodge, and signed by the Presiding Officer, and the Secretary and Treasurer of such Grand Lodge or of such Subordinate Lodge, and all such investments shall be made in the name of such Grand Lodge or of such Subordinate Lodge, provided always, that no such real estate shall be sold or otherwise disposed of without the consent first had and obtained of at least two-thirds of the members of the said Grand Lodge or of such Subordinate Lodge, present at a regular meeting, such consent to be by a resolution of such Grand Lodge or Subordinate Lodge, passed at a regular meeting of such Grand Lodge or Subordinate Lodge, after the usual or reasonable notice to the members thereof respectively, stating the object of such meeting. Investments.

Security to be  
furnished by  
treasurers.

**13.** It shall and may be lawful for the said Grand Lodge and for each Subordinate Lodge so incorporated to receive from the Treasurer thereof, or any officer thereof receiving or handling moneys, from time to time, in its Corporate name, sufficient securities by bonds with one or more surety or sureties or otherwise, as such Grand or Subordinate Lodge may deem expedient for the faithful performance of his duty as such, and that he will when required to do so, truly account for and pay over from time to time, as directed by such Grand or Subordinate Lodge, all such sum or sums of money, funds or other property as may come into his hands or under his control belonging to the said Grand or Subordinate Lodge, and shall render and deliver up to the said Grand or Subordinate Lodge, or his or its successors in office, or any other person authorized by this Act, or by any by-law or regulation passed hereunder to return them all such moneys, funds, deeds, bonds or mortgages, or stock or any other funds in his possession or under his control belonging to the said Grand Lodge or any Subordinate Lodge at the expiration of his term of office, or at any time fixed by the said Grand Lodge or Subordinate Lodge, and such security may be taken from a Company duly empowered for such purposes.

Interest in  
Lodge property  
not  
transferable.

**14.** No member of the aforesaid Grand Lodge or of any Subordinate Lodge so incorporated shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the funds or property of the said Grand Lodge or any Subordinate Lodge, but the same shall at all times be the property and remain under the control of the said Grand Lodge or Subordinate Lodge respectively, and no property or stock of any kind belonging to the said incorporated Grand Lodge or any Subordinate Lodge shall be subject to the payment of the private debts of any of its members, nor liable to be taken in execution by any judgment creditor against any individual member or members of said Grand Lodge or any Subordinate Lodge.

Devolution of  
property of  
Lodge ceasing  
to exist.

**15.** Should any Subordinate Lodge cease to exist or be dissolved from any cause whatsoever, the property (real and personal) held or belonging to such Subordinate Lodge, shall at once vest in the said Grand Lodge, but charged with the payment of the debts of such Subordinate Lodge, to the full extent of such property: Provided that such devolution of property upon the said Grand Lodge shall in no way affect or prejudice the powers conferred thereon for holding property.

**16.** Whenever a debt has been or shall be contracted by any such Lodge incorporated under this Act for the building, repairing, extending or improving of any building, or for acquiring land held by any such lodge under the provisions of this Act, or for the purchase of the land on which the same has been or is intended to be erected, any such incorporated lodge may from time to time secure the debt or any part thereof by a mortgage upon the land and buildings or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a mortgage upon its land and buildings or part thereof upon such terms as may be agreed upon.

Security for certain debts.

**17.** All Subordinate Lodges that may become incorporated under the provisions of this Act, and the members thereof shall from henceforth be and become subject and amenable to the by-laws, rules and regulations of the said Grand Lodge, and shall have and exercise all their powers and privileges under this Act subject to the said by-laws, rules and regulations of said Grand Lodge, and not otherwise.

Subordinate Lodges amenable to by-laws of Grand Lodge.

**18.** When any member is expelled or suspended by any Subordinate Lodge or by the said Grand Lodge, the said member shall cease to have any interest or claim whatever upon the funds or property of such Grand Lodge or Subordinate Lodge while under such suspension or expulsion. Provided, that in the case of a suspension such member shall be restored to his rights and privileges upon being reinstated or such suspension vacated.

Effects of suspension or expulsion.

**19.** In case the Grand Lodge declare the authority or charter of any Subordinate Lodge forfeited pursuant to the by-laws, rules and regulations of the said Grand Lodge, such Subordinate Lodge shall be and be held to be dissolved from the date of the resolution declaring such forfeiture.

Dissolution of Subordinate Lodge.

**20.** No officer or member of such Grand Lodge or of any Subordinate Lodge shall be or be held liable or responsible for any debt or obligation of such Grand Lodge or Subordinate Lodge beyond the extent of any unpaid dues or subscriptions owing by him to such Lodge.

Limited liability of members.

**21.** This Act shall be deemed a Public Act.

Act deemed Public Act.



## CHAPTER 38.

An Act to amend the Act incorporating the Saskatchewan and Western Railway Company.

(Assented to 19th March, 1896.)

Preamble,

Whereas, The Saskatchewan and Western Railway Company have by their Petition prayed that certain amendments may be made to the Act incorporating the said Company, being Chapter 59 of the Statutes passed in the 49th year of Her Majesty's reign and to the amendments thereto, and it is expedient to grant the prayer of the said Petition,

Therefore,

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba enacts as follows :—

Period for  
construction  
extended.

**1.** The period for the continuation of the construction of the line of Railway authorized to be built by the said Company from Rapid City is hereby extended for five years from the Thirty-first day of December, 1895, and the powers of the Company during that period are hereby revived.

49 v. c. 59, s. 11  
amended.

**2.** Section 11 of said Chapter 59 is hereby amended by substituting for the words "nine persons to be directors of the said Company (of whom five shall be a quorum)," in the fourth and fifth lines thereof, the following words :—

Number and  
quorum of  
directors.

"Five persons to be Directors of the said Company of whom three shall be a quorum," but the present directors may continue to hold office until the expiration of the term for which they were elected.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day it is assented to.

## CHAPTER 39.

## An Act to Incorporate "The St. Andrew's Society of Winnipeg."

*(Assented to 19th March, 1896.)*

Whereas, a number of persons have been associated Preamble.  
as a society since the year one thousand eight hundred  
and seventy-one, in the City of Winnipeg, in the Province  
of Manitoba, under the name of "The St. Andrew's  
Society ;"

And whereas, Duncan Wendell McDermid, Thomas  
William Taylor, Mark Fortune, John Emslie, James  
Davidson Conklin, Albert Vass, James Patterson, George  
Bryce, John Russell, Henry Cameron, J. P. Robertson,  
George Andrew, John D. Marshall, Donald McLeod Tel-  
ford, James McDiarmid, Samuel Kirkpatrick, John Byron  
Moore and Alexander A. Aird, on behalf of the members  
of the said Society, have petitioned to be incorporated for  
the purpose of enabling them to more effectually carry out  
the aims and objects of the Society with such corporate  
powers as are hereinafter set forth ;

And whereas it is expedient to grant the prayer of said  
petitioners ;

Now therefore,

**H**ER MAJESTY, by and with the advice and con-  
sent of the Legislative Assembly of the Province  
of Manitoba, enacts as follows :—

1. The said Duncan Wendell McDermid, Thomas Wil- Incorporators.  
liam Taylor, Mark Fortune, John Emslie, James Davidson  
Conklin, Albert Vass, James Patterson, George Bryce, John  
Russell, Henry Cameron, J. P. Robertson, George Andrew,  
John D. Marshall, Donald McLeod Telford, James Mc-  
Diarmid, Samuel Kirkpatrick, John Byron Moore, Alex-  
ander A. Aird, Stephen Nairn, Alexander Brown, Sir  
Donald A. Smith, and such other persons as now are or may  
be hereafter from time to time admitted to membership of  
said Society, and the said "The St. Andrew's Society" Name.  
are hereby constituted a body politic and corporate by the  
name of "The St. Andrew's Society of Winnipeg" and by  
that name shall have perpetual succession, and may sue and Powers.  
be sued in any court and have and use a common seal and  
be capable to make and receive all deeds, conveyances, trans-

fers, bequests, assignments and contracts necessary to carry out the provisions of this Act and to promote and carry out the aims, objects and designs of the said Society, and the said Society shall, subject to the provisions of this Act, be capable in law by its corporate name to take, purchase and hold, sell, mortgage and dispose of all and any goods and chattels, lands, tenements and hereditaments, and any interest therein which may from time to time be necessary, convenient or desirable for the purposes of the Society, but the Society shall not engage in trade, or deal in lands or any interest therein, but may apply any moneys derived from fees, voluntary contributions, donations or bequests from members or others towards the maintenance and the carrying out of the aims and objects of the Society in such manner as the Society shall from time to time by resolution or by-law direct; provided always that it shall be lawful for the said Society to invest any part of the funds of the said Society in the bonds or debentures of any municipal corporation or in any government securities of the Dominion of Canada or Province of Manitoba, or in any real estate in the Province of Manitoba by way of first mortgage thereon.

**Investments.****Constitution and by-laws.**

**2.** The constitution, rules and regulations touching the admission and expulsion of members and the management and conduct generally of the officers and concerns of the said Society in force at the passing of this Act, shall be the constitution and by-laws of the said Society till such time as the Society, in general meeting assembled, or at a special meeting for that purpose called, shall alter, repeal or enact a new constitution and by-laws; and after such repeal, alteration or enactment, the Board of Managers may, from time to time repeal, amend or re-enact the same, but every such by-law and every repeal, amendment or re-enactment shall only have force until the next annual meeting of the Society, and in default of confirmation thereof, shall, at and from that time only, cease to have force.

**Officers.**

**3.** The officers of the Society shall consist of a president, a first vice-president, a second vice-president, a secretary, a treasurer, and such other officers as may be provided for by the by-laws of the Society, who, with a board of managers, the members of which shall be regulated by by-law, shall manage the affairs, business and concerns of the Society, as provided for by the by-laws. All vacancies that may occur among the officers or board of managers by reason of death or otherwise in the interval between two annual meetings, may be filled by the board of managers.

**First officers.**

**4.** The first officers and Board of Managers of the said Society shall be Duncan Wendell McDermid, President,

Thomas William Taylor, first Vice-President, Mark Fortune, second Vice-President, John Emslie, Treasurer, James Davidson Conklin, Recording Secretary, Albert Vass, Financial Secretary, James Paterson, Physician, George Bryce, Chaplain, John Russell, Solicitor, with Henry Cameron, manager, J. P. Robertson, librarian, George Andrew, jeweller, John D. Marshall, baker, Donald McLeod Telford, agent, James McDiarmid, contractor, Samuel Kirkpatrick, salesman, John Byron Moore, gentleman, and Alexander A. Aird, clerk, until others, under the provisions of this Act, shall be elected to fill their places.

5. No member shall be liable for any debt of the Society beyond the amount of his unpaid fees or subscription, and every member of the Society not so indebted to the said Society will be allowed to withdraw and will cease to be a member on giving notice to that effect, according to the form that may be prescribed by the constitution, rules and regulations of the Society, and from thenceforth shall cease to be a member of the Society and free from all debts or demands due by the Society. Liability of members.

6. If any member during his lifetime ceases to be a member of the Society, he shall not, nor shall his representatives, have any interest in or claim against the funds or property of the Society. Cessation of interest.

7. The Society may expel any member for misconduct or for any violation of the by laws or rules of the Society. Expulsion of members.

8. An annual general meeting of the Society shall be held on the second Tuesday in November in each year at the time and place, and subject to such regulations as may be provided by the by-laws of the Society, for the election of officers and board of managers and for the transaction of such business as may be brought before such meeting, and in case such meeting for any cause be not then held, then a subsequent meeting for such purpose may be held under a by-law of the Society. In default of such election at the time and in the manner provided, the retiring officers and Board of Managers shall continue to act until their successors shall be duly elected. Annual meeting.

9. The said Society shall have power to raise money to purchase or acquire any land or real estate on which to erect a building for the use of the Society, by the issue of shares of the value of ten dollars each, and may make the said shares payable by instalments. A register of all shares subscribed for shall be kept by the Financial Secre- Borrowing powers.

tary, and no share shall be transferrable until fully paid up, and then only with the consent of the board of managers of the Society. No person holding any of the said shares shall have a right to vote at any meeting of the Society unless he be a duly elected member of the Society in good standing. The said Society may invest any part of its funds in debentures, municipal, Dominion or provincial, or on first mortgages on real estate in the Province of Manitoba. The officers of the said Society if authorized by resolution passed at a general meeting of the Society, which may be an annual general meeting, or a general meeting called especially for the purpose, may mortgage all or any part of the property of the Society, real or personal, for the purposes aforesaid, and shall, under the authority of a by-law approved at such a general meeting, have full power to lease any part of any building or premises erected by them and not required for the immediate use of the said Society.

Amount of  
real estate  
that may be  
held.

**10.** The said Society is authorized to acquire and hold real estate not exceeding \$10,000 in annual rental value.

Commence-  
ment of Act.

**11.** This Act shall come into force on the day it is assented to.

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